

MINUTES

Montana Fish and Wildlife Commission Meeting

Montana Wild Education Center

2668 Broadwater Avenue, Helena, MT

December 12, 2013

Commission Members Present: Dan Vermillion Chairman, Richard Stuker Vice-Chairman,

Matt Tourtlotte, Larry Wetsit, Gary J. Wolfe

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director and FWP Staff.

Guests: December 12, 2013 - See Commission file folder for sign-in sheet.

Topics of Discussion:

- 1.** Call to Order and Pledge of Allegiance
- 2.** Approval of Minutes of the November 14, 2013 Commission Meeting
- 3.** Approval of Commission Expenses
- 4.** Commission Reports
- 5.** Director's Report
- 6.** 2014 Commission Meeting Calendar – Final Approval
- 7.** Harpers Lake, Lake Alva and Marshall Lake Administrative Rules – Final Action
- 8.** Bridger Bighorn Sheep Transplant – Final Action
- 9.** Madison Bighorn Sheep Transplant – Final Action
- 10.** Helena Urban Deer Management – Final Action
- 11.** 2013-2014 Wolf Season Review (and adjust if necessary) – Final

12. 2015-2016 Helena Urban Deer Management Quota Range – Proposed
13. 2014-2015 General Hunting Regulations – Proposed
14. 2014-2015 Deer, Elk and Antelope Hunting Seasons, Quota Ranges and HD Boundaries–Proposed
15. 2014-2015 Moose, Sheep and Goat Hunting Seasons, Quota Ranges and HD Boundaries – Proposed
16. 2014-2015 Black Bear Hunting Seasons, Quota Ranges HD Boundaries and Quotas – Proposed
17. 2014-2015 Mountain Lion Hunting Seasons and HD Boundaries - Proposed
18. 2014-2015 Bison Hunting Seasons and HD Boundaries - Proposed
19. 2014-2015 Upland Game Bird Hunting Seasons, Quotas and HD Boundaries – Proposed
20. 2014-2015 Migratory Game Bird Hunting Seasons (contingent upon Federal frameworks) – Proposed
21. 2014-2015 Game Damage/Management Season Quotas - Proposed
22. 2014-2015 Hunting Season Dates – Proposed
23. Otter Island Fisheries Conservation Area - Land Acquisition – Final Action
24. Seeley Lake Bass Limit – Final Action
25. Canyon Ferry Reservoir and Lake Helena Commercial Fishing Regulations – Proposed
26. Commercial Use Fee Rule – Proposed
27. Public Comment ~~ For Issues Not On This Agenda

1. Call to Order - Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:29 a.m. and led the Pledge of Allegiance.

2. Approval of the Commission Meeting Minutes of November 14, 2013 Commission Meeting

Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion to approve the November 14, 2013 minutes. Motion carried.

3. Approval of Commission Expenses

Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the motion to approve the Commission expenses. Motion Carried.

4. Commission Reports

Commissioner Wetsit stated he attended Region 6 staff meeting; very informative; received a lot of call on the season settings. Attended a greater sage grouse management meeting in Glasgow; good attendance; a lot of questions and concerns.

Commissioner Wolfe stated he met with Backcountry Hunters and Anglers, Bitterroot Valley Houndsmen Association and Sportsmen for Fish and Wildlife; discussed numerous issues. Attended various meetings with Region 1 and 2 staff reviewing and discussing season proposals; received numerous calls from the public regarding items on the agenda. Attended the wolf ARM amendment meeting in Missoula; well attended; Quentin Kujala did a excellent job running the meeting; comments on various ends of the spectrum; a number of concerns on how perceived threat is defined, need to have good clarification.

Commissioner Tourtlotte stated he has received several comments on the proposed wolf ARM proposal and concerns over perceived threat; number of comments on the season quotas and settings. Received calls on the sage grouse proposal, many people are apprehensive; will be interesting on how we move forward.

Commissioner Stuker stated the deer harvest in his area is the lowest it has been in 47 years. Damage hunt conducted in HD 412; explained the reasoning for the damage hunt. Received a call asking if the handicapped hunting laws were going to be revisited. Conversated with the Montana Trappers Association, wanting to work with FWP on guidelines. Substantial number of conversations on sage grouse and season settings; big issues. National Wildlife Federation sent out a letter to residents in Valley and Phillips counties regarding bison issues; not well received by the majority of the residents.

Chairman Vermillion stated he received a lot of comments from landowners and hunters, talking about their perception and anecdotally seeing a lot fewer deer that they are accustom to. Attend a meeting with the Boulder River Watershed on population management; they are looking at the Department for help; hopefully find success next fall and have a broader base distribution of the elk. Received a lot of correspondence regarding the perceived threat related to the Wolf ARM and wolf management unit around Glacier. Road kill bill is up and running; had trouble downloading permit from website, asked Department to look at the website permit system.

5. Director's Report

Director Hagener reported seven hearings have been held on the Sage Grouse proposal; very well attended; Department is compiling the public comment received; having a conference call with the advisory council to discuss what the specific concerns are and a meeting in January to compile the final recommendations to the Governor; Fish and Wildlife Service (FWS) have concerns over the proposal that the council will look at; Canada recently finalized an emergency listing on Sage Grouse. FWS has extended the wolverine comment period; very positive. Private Land / Public Wildlife appointments have been made; will meet in mid-January. Discussions with FWS regarding their cut backs in programs due to sequestration and holding money from the States until budget issues are settled; FWP has concerns if it is proper for the FWS to hold the money; congress has zeroed out many conservation programs that have been dedicated for many years. Montana's original trapping initiative has been put on hold; Secretary of State and Attorney general are reviewing a new initiative traposal.

6. 2014 Commission Meeting Calendar – Final Action

Director Hagener stated changes from the proposed calendar are: May 21 the Commission will take a tour which will include Intake Dam and the meeting will be held at the Fort Peck Fish Hatchery on May 22; May 9 the Commission will have an overlap meeting with the Parks and Recreation Board.

Action: Commissioner Stuker moved and Commissioner Wetsit seconded that the Commission approve the calendar as presented.

Chairman Vermillion thanked Director Hagener and the Department for working with the Commissioners on scheduling the May tour and meeting in northeast Montana.

Action on Motion: Motion passed.

Jim Kropp, Chief of Law Enforcement explained vehicle-killed wildlife salvage permits are in progress; unable to accept information from mobile devices; need capabilities to print permit. In the process of adopting the permit to hunt from a vehicle; should be finalized in January.

7. Harpers Lake, Lake Alva and Marshall Lake Administrative Rules – Final Action

Jim Kropp, Chief of Law Enforcement explained the Commission proposed changes to Lake Alva, Harpers Lake and Lake Marshall rules on November 8, 2012. Public comment ran from May 9 through September 20; a public hearing was held on June 5 in Seeley Lake; FWP met with the Seeley Lake Community Council on September 9 and was covered by Seeley Lake and Missoula newspapers. A total of 272 comments were submitted for Lake Alva; 52 for Harpers Lake; and 42 for Lake Marshall. For Lake Alva, the no wake proposal was supported by 48% and 45% were opposed; 6% wanted no motors; 1% supported the additional alternative. Supporters of the no-wake proposal and no motors cited promoting quieter, slower recreation as a primary reason; those opposed cited concern primarily about displacing current users and impacts to nearby lakes. Harpers and Marshall lakes were supported by 73% and 79%, respectively; opposition was primarily for more restrictive regulations. No action would ignore the support for Marshall and Harpers lakes and the slight majority of support for speed restrictions on Lake Alva. The Commission could approve the Marshall and Harpers lakes proposals

but not the Lake Alva no-wake proposal. High speed boat use is expected to increase, particularly during summer displacing those looking for slower paced boating.

Lake Alva: Current rule: Boats pulling water skiers will travel in a counterclockwise direction.

Original Proposal: No-wake rule. There has been much public and USFS District Office interest in a no wake speed rule over several years. In response, FWP agreed to present to the Commission a no-wake rule and to possibly provide an easily accessible, slower paced recreational opportunity for motorized and non-motorized boats in the Seeley Lake area. Alva has no private in-holdings with docks and boats, but has a USFS boat ramp and campground. Current use is a mix of motorized and non-motorized boats, and is highest during July and August. Public concern is that high speed motorboat use is increasing and becoming more like other lakes that have very high use. Alternative Regulation: Wake allowed from Aug. 1 through Labor Day. The first comment period indicated a significant number of current users would be affected by a no-wake rule. A second comment period was completed to see if this alternative would be more acceptable than the current rule or a no-wake rule. This would partition the summer season to reduce conflict.

Harpers Lake: Current rule: Closed to all motorboats. Proposal: Manually operated or electric motors only. Anglers asked FWP to present to the Commission this proposal to make it easier to access trout.

Lake Marshall: Current rule: No restrictions. Proposal: Manually operated or electric motors only. The lake is within the Marshall Creek Wildlife Management Area. The proposal is consistent with WMA management objectives and current use of the lake.

Action: *Commissioner Wolfe moved and Commissioner Stuker seconded that the Commission adopt a no-wake rule for Lake Alva and the use of manually operated or electric motors only rule for Lake Marshall and Harpers Lake.*

Commissioner Stuker stated he would have liked to accommodate both parties but with low public comment he understands the Department's proposal.

Commissioner Wolfe stated this was a very challenging issue for the Region and they took it very seriously; did an outstanding job reaching out to the community; received a number of comments from both sides; suggests supporting the Region's proposal.

Chairman Vermillion asked for public comment.

Lee Boman, Shining Montana Chapter Montana Wilderness Association, stated the proposal was very well thought out; Region 2 did a great job seeking public comment; supports proposal.

Lash Ashmore, Seeley Lake, thanked the Department and Commission for addressing the situation; supports the proposal to restrict Lake Alva to a no-wake lake.

Jim Streeter, Missoula, supports regulations.

Chairman Vermillion stated he commends Region 2; did a good job on and listening to public outreach.

Action on Motion: Motion passed.

8. Bridger Bighorn Sheep Transplant – Final Action

Quentin Kujala, Wildlife Management Section Chief explained in 2012, FWP proposed to reintroduce bighorn sheep into the Bridger Mountains. An evaluation of the environmental assessment (EA), a modified proposed action that included the release of bighorns contingent upon entering into voluntary domestic sheep management agreements with sheep producers to achieve separation between domestic and wild sheep. The commingling of domestic sheep and bighorns has resulted in disease-related bighorn sheep die-offs in Montana and throughout the west. Based on FWP's 2010 Bighorn Sheep Conservation Strategy and other management sources, the Bridgers are a high-risk area for disease transmission. The 2012 decision notice noted these mitigations must come through the cooperation of existing landowners and sheep owners in proximity to the reintroduction area, as well as through the cooperation of interests that support the reintroduction. FWP had further correspondence with sheep producers and advocates of this project, but no group ever officially formed to bring the needed grassroots attention to the important issues of mitigations needed to prevent commingling. One sheep owner initially worked to create a meeting between the Montana Woolgrowers, other local sheep owners, sportsmen, and landowners, but a meeting never occurred; another local sheep owner was not in favor of this project, nor any mitigations needed to prevent commingling; a second local sheep owner was accepting of the project, but would not offer to change his operation in any way; a third was favorable for the project, but noted most mitigations would be impractical or unacceptable to their large and growing operation; several other operators would entertain mitigations if funding were provided to them. A source of funding was never identified. FWP toured the reintroduction site with a domestic sheep herd manager and with a representative of the Wild Sheep Foundation. At request of the Commission, FWP created a list of known or probable mitigation strategies to prevent commingling of domestic and wild sheep. The suggested mitigations were often expensive, and based on agency conversations, few domestic sheep owners were likely to entertain these.

Action: Chairman Vermillion moved and Commissioner Tourtlotte seconded to keep the environmental analysis related to the Bighorn transplant to the Bridger Mountains opened for another year and the Department revisits the Commission at the December 2014 meeting.

Becky Dockter, Chief Legal Counsel, explained the EA process and procedures.

Chairman Vermillion stated this issue is supported widely by the community; had a meeting with an advisory group; conversations are occurring; making a final decision to not move forward is more permanent than he is comfortable with; the interest is still there.

Chairman Vermillion asked for public comment.

Jim Weatherly, Executive Director MT Wild Sheep Foundation (WSF), stated the foundation is ok with extending this for an additional year and make another try at mitigating the impacts; primarily from the domestic sheep producers in the area; thanked FWP for their work on this matter.

Vito Quatraro, Bozeman, stated he lives at the base of the Bridgers on the westslope and is ok with the extension; with population growth in Bozeman this problem will get worse, not better; need to be realistic in expectations, will be difficult to overcome the hurdles.

Action on Motion: Motion passed.

9. Madison Bighorn Sheep Transplant – Final Action

Quentin Kujala, Wildlife Management Section Chief explained FWP proposes to reintroduce bighorn sheep into the Madison Mountains of southwestern Montana at either Indian Creek or Wolf Creek. Both areas were native bighorn sheep habitat, but bighorn haven't been documented in either area since the 1960s. The southern Madison Mountains support a healthy native population of bighorn sheep, although in the past the herd endured several all-age die-offs and had augmentations in the 1980s and '90s. The reintroduction would establish a long-term bighorn sheep population in Indian or Wolf creeks, increasing the herd size and distribution in the Madison Mountains. A viable population would provide new recreational opportunities to include wildlife viewing and hunting. Establishing a new wintering area for bighorn in the Madison would increase biodiversity and restore native species winter areas after a 50-year absence. Increasing the number and distribution of viable bighorn sheep populations in Montana helps the long-term survival benefit for the species. Most expected bighorn habitat is on public land, private landowner involvement is the key to approaching the potential release sites, which are on private lands adjacent to the Lee Metcalf Wilderness Area. The Wolf Creek landowners pledged support for the transplant in writing, as have the landowners for the potential release site in Indian Creek; the surrounding landowner at Indian Creek has yet to confirm or deny support pending the completion of the public process. Both reintroduction sites meet the criteria established in the 2010 Bighorn Sheep Conservation Strategy; the Indian Creek release site is further removed from the capture site; bighorn transplanted to Wolf Creek may be more likely to return to the source population. A draft EA was released September 17 and the public comment period ending November 8; the comment period was extended in response to public comment; a public meeting was held in Ennis on October 8, attended by 24 people. Thirty-five written comments were received; 32 supported some combination of release alternatives; 1 was opposed to the release; 1 was opposed to the release at Wolf Creek only; and 1 did not express an opinion. Of those supporting a release, 13 specifically supported release at Indian Creek (several would also accept release at Wolf Creek secondarily), 17 supported either release site, and 2 supported release at Wolf Creek all. The EA included 3 alternatives: Alternative A (No Action): no bighorn released; Alternative B (Preferred Action): 40-50 bighorn released at Indian Creek with possible follow up releases; Alternative C: 40-50 bighorn released at Wolf Creek with possible follow up releases.

Action: Chairman Vermillion moved and Commissioner Wetsit seconded that the Commission approve adopt the final decision to select both Alternatives B and C, and to transplant bighorn sheep into the Madison Mountains.

Chairman Vermillion asked for public comment.

Jim Weatherly, WSF, strongly endorse this proposal; over populated in the Madison.

Vito Quatraro, MSA, great proposal; Julie Cunningham, FWP Wildlife Biologist has worked hard on this proposal; strongly supports.

Joe Cohenour, Private Citizen, suggests moving forward with the proposal.

Joe Perry, Montana Sportsmen Alliance (MSA), stated MSA would like to lend significant support to FWP and WSF on this issue.

Chairman Vermillion stated this is a challenging issue and has many obstacles. Thanked Region 3 staff and organizations involved with big horn sheep.

Kujala thanked the wool growers for their efforts on this issue.

Action on Motion: Motion passed.

10. Helena Urban Deer Management – Final Action

Ken McDonald, Wildlife Administrator explained in 2003, the Montana Legislature authorized cities to create plans to control wildlife to address public health and safety within city limits and approved by the Commission. The City of Helena subsequently developed an Urban Deer Management Plan seeking to initially remove 350 deer to achieve an objective of 25 deer per square mile. FWP completed a third programmatic EA in 2009 that confirmed objectives and methods relative to urban deer management in Helena. Any take/removal

of deer requires approval on an annual basis; a total of 670 deer have been removed; 140 removed during the latest removal effort in 2013. FWP does not contribute staff or resources toward actual removal efforts. Any quotas do not apply to individual deer removed under urgent public-safety situations. The take authorization last year was valid through December 31, 2013, with a no-take period extending from April 1 through November 14, 2013. Survey data were collected during October and the analysis was recently completed; the data revealed an estimate of approximately 14 deer per square mile within the City of Helena; this is down from the previous estimate of 34 deer per square mile last year; because of survey conditions and potential distribution changes, it's likely that the actual abundance is somewhat higher. The estimate was similarly low in 2010, and that prompted a low removal 26 deer, resulting in a jump to 32 deer per square mile the subsequent year. To avoid that outcome, FWP is proposing a removal of up to 70 deer, in addition to the 60 remaining on the authorization from last year, for a total proposed maximum take of 130 deer. It is anticipated that this removal will result in a fall 2014 population at or below 25 deer per square mile. The City of Helena conducted extensive public involvement in developing its plan and the previous urban deer EAs; FWP provided separate 30-day public comment periods; support exceeded opposition, and some expressed advocacies for hunting or translocation. The Department will continue to look at transplanting deer for future ways of removal.

Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded that the Commission adopt the final 2013-2014 take of urban deer by the City of Helena as presented by city staff and FWP.

Chairman Vermillion, Commissioner Stuker and McDonald had a brief discussion on Chronic Wasting Disease (CWD).

Action on Motion: Motion passed.

11. 2013-2014 Wolf Season Review (and adjust if necessary) – Final

Chairman Vermillion stated unless there is a motion, there will not be any public comment period on this item.

Ken McDonald, Wildlife Administrator explained the Commission finalized regulations for the 2013-14 Montana wolf hunting and trapping season in July. The 2013 wolf hunting season opened with the archery season on September 7 and will close on March 15, 2014; the trapping season is scheduled to open December 15 and close on March 15, 2014. The 2013-14 season framework included a number of changes from 2012-13, largely intended to increase wolf harvest and decrease wolf abundance in Montana, including a bag limit of up to five wolves, and no statewide or WMU quotas, except in WMUs adjacent to Yellowstone and Glacier National parks as permitted by law. When the Commission adopted the regulations in July, it also directed FWP to provide a review of the wolf harvest following the close of the general deer and elk season, and reserved the right to take action to modify the season framework at its December meeting. The Commission requested a wolf harvest review to include data on harvest numbers, geographic distribution of harvest, consideration of depredation removals, and overall human-caused wolf mortality relative to wolf population model projections. The analysis reveals no apparent need to consider any season adjustments at this time and FWP does not recommend adjustments at this time. The 2013-14 wolf harvest to date has been steady, measured, and broadly distributed. No unanticipated issues have arisen to warrant any mid-season adjustments; FWP recommends no changes to the framework adopted in July and will continue to monitor harvest and will notify the Commission of trends that might suggest the need for adjustments. As of December 2, 23,159 wolf hunting licenses have been purchased; 21,026 by residents and 2,133 by nonresidents. A total of 18,889; 18,642 resident; 247 nonresident were sold last year. Ninety-seven wolves have been reported harvested since the season opened; specifically two wolves have been harvested in WMU 313 (quota is four), two taken in WMU 316 (quota is three), and 1 wolf has been taken in WMU 110 (quota is two).

Chairman Vermillion asked if there were any wolves taken by trappers in WMU 313 and 316 last year.

McDonald stated three were taken in WMU 313 the previous year; explained the Department's process for monitoring the quotas.

Commissioner Wolfe asked out of the 97 takes, are there any individuals that have taken multiple wolves?

McDonald stated the analysis has not been done; will be taken at the end of the year.

Commissioner Wolfe asked why the Department is not concerned about the harvest to date in WMU 101.

McDonald stated the highest densities of wolves are in the northwest part of the state; from a population perspective, it is a sustainable number.

George Pauley, Wildlife Management Section Chief explained season structures and hunting district boundaries are adopted biennially for most game species. FWP proposes adopting the existing 2013 structure except for specific changes; proposals are based on population status and/or other circumstances.

12. 2015-2016 Helena Urban Deer Management Quota Range – Proposed

Ken McDonald, Wildlife Administrator explained the Department is asking the Commission to give authority to FWP to establish a take quota range of 0-250 with the City of Helena without going through the current process. FWP has six years of experience managing urban deer in Helena and properly administer the removal and establish an appropriate quota range; the Commission has authorized a total of 740 deer to be taken. Survey data are collected and analyzed annually in October. The city, in cooperation with the local FWP biologist, establishes a level of take, presents to the Commission as a proposal in November and finalized in December, when take efforts

December 12, 2013

Page 12 of 51

are authorized to begin. Implementing a quota range is in line with the process and procedure FWP uses for huntable populations of wildlife, and approval for take would still be under FWP oversight. Annually, there is time crunch in early October to get the survey completed, the data entered and analyzed, projections calculated and a proposal to the Commission that the Helena Police Department is able to commence culling after the December Commission meeting. The information is delivered to the Commission days before the November meeting, and in some years, has been delayed to the December meeting; the City of Helena cannot begin removing deer until after the January Commission meeting, which makes it difficult to reach the targeted number of removals in some years, especially if the target is greater than 150 or if the winter is mild. The City of Helena conducted extensive public involvement in developing its plan and the previous urban deer EAs; FWP will provide separate 30-day public comment period.

Action: *Commissioner Tourtlotte moved and Commissioner Wolfe seconded the Commission adopt the proposed quota range for take of urban deer by the City of Helena as presented by city staff and FWP.*

Chairman Vermillion asked for public comment.

Ron Alles, City of Helena Manager thanked the Commission for their support over the years, good program; FWP staff has been outstanding to work with.

Chairman Vermillion stated this has been a good partnership between the City of Helena and the Department.

Action on Motion: *Motion passed.*

13. 2014-2015 General Hunting Regulations – Proposed

George Pauley, Wildlife Management Section Chief explained season frameworks are adopted biennially for most game species. This happens every other winter with adoptions in December and Final adoptions in February. Most of the changes are organized, presented and logically considered by individual species or species groups. The changes presented here apply to all species. For 2014-15, FWP proposes two overall changes to hunting season frameworks:

Prohibition on the use of unmanned aerial vehicles or drones for hunting.

Require hunters to report and return radio-collars, ear tags, bands, and other marks found on harvested animals. Band or ear tags will be returned to hunters if requested.

Action: *Commissioner Wetsit moved and Commissioner Stuker seconded the Commission adopt the proposed changes as presented by FWP.*

Chairman Vermillion thanked the Enforcement Division and Back Country Hunters and Anglers for their work and being proactive on unmanned aerials proposal.

Chairman Vermillion asked for public comment.

Nick Gevok, Montana Wildlife Federation (MWF), supports proposal.

Vito Quatraro, MSA strongly supports proposal.

Action on Motion: Motion passed.

George Pauley, Wildlife Management Section Chief explained season structures and hunting district boundaries are adopted biennially for most game species. This happens every other year between December and final adoptions in February. FWP proposes adopting the existing 2013 structure, except for specific changes. Proposals are based on population status and/or other circumstances.

14. 2014-2015 Deer, Elk and Antelope Hunting Seasons, Quota Ranges and HD Boundaries–Proposed

The 2014 and 2015 mule deer and white-tailed deer season structure have more significant proposed changes include antlered-only mule deer seasons and eliminating B licenses statewide. Deer season comments were received during scoping and included interest in more conservative antlerless opportunities and buck harvest management.

DEER

Statewide

Convert all general mule deer seasons to antlered-only, with exceptions to address urban deer and game damage issues (some Region 2 private land-specific general seasons; HD 388 (Helena)).

Generally eliminate mule deer B licenses, except to retain a few specific B licenses to address urban deer and game damage issues (Region 2 private land licenses (4 HD's; HD 388 (Helena)).

Generally eliminate white-tailed deer B licenses in Regions 4, 5, and 6, except to retain 1 license in Region 5 where the population greatly exceeds the long term average and EHD losses were minor in 2013 (599-00 with reduction of licenses from 2000 to 1000). No changes would be implemented in Regions 1, 2, 3, and 7.

Action: Commissioner Stuker moved and Commissioner Wolfe seconded the Commission adopt the proposed changes as presented by FWP.

Commissioner Tourtlotte stated a reduction in doe whitetail and mule deer was seen statewide wide this year; asked what the process of getting the of B Licenses framework back if needed.

Pauley stated seasons are set on a biannual basis by policy, and adjustments can be made as needed; the framework is not difficult to restore.

Commissioner Wetsit asked about the loss in purchased licenses.

Pauley stated there would be a loss in license revenues; it is more important to properly manage deer than it is to be concerned about finances; does not know amount of revenue that would be lost at this time.

Director Hagener commented the Department has heard from several nonresidents that will not return until the populations are restored.

Commissioner Wolfe congratulated the Department on this bold move; right move for the resources.

Chairman Vermillion asked if the Department has the ability to have an over the counter doe license available for sale in October.

Pauley stated yes; would need proposal, public comment and final adoption with the Commission.

Chairman Vermillion asked if the B licenses could be added into the proposal after the survey data is received in January.

Pauley stated yes and staff will be working on a strategy for next year during the spring/summer.

Becky Dockter, Chief Legal Counsel stated the Commission could ask the Department to review and make changes; decision could be made at a Commission meeting with proper public conditions.

Director Hagener stated changes can be made in specific places if there is a problem.

Chairman Vermillion asked for public comment.

Joe Perry, Conrad Sportsmen Alliance in full support; could be too big for one biologist to tackle.

MaryEllen Schnur, Montana Outfitters and Guide Association (MOGA), supports proposal; would like Region 7 added to the no B licenses.

Vito Quatraro, MSA, supports the recommendations; present the sportsmen with the data and backup to show rational.

Nick Gevock, MWF, supports proposal; the difficult decision is the one making today.

John Borgreen, Russell Country Sportsmen (RCS), supports this action; rely on the science and sound management.

Sam Milodragovich, Skyline Sportsmen, has objection to the process; how does the current situation relate to the adaptive harvest management plan; use science.

Marshall Johnson, Mule Deer Foundation (MDF), endorses the proposal; look at certain areas that may be at population levels.

Action on Motion: Motion passed.

Proposed Region changes are as follows:

Region 1

HD 101/102/109/120/122/124: Establish white-tailed deer antlerless B-licenses individually for each of these HDs. In HDs 101, 102, 109, and 120 these licenses are valid on private land only but not to include Plum Creek or Stoltze Timber Company land. HDs 121,122 and 124 these licenses would be valid on all ownerships, district wide. Quotas and quota ranges are listed below.

HD 101-50: (quota range 5-300)

HD 102-100: (quota range 5-300)

HD 109-25: (quota range 5-200)

HD 110-100: (quota range 5-300)

HD 120-100: (quota range 5-300)

HD 121-300: (quota range 25-1500)

HD 122 – 200: (quota range 5-300)

HD 124 – 200: (quota range 25-500)

HD 170: Adjust regulations to read: Flathead Weapons Restriction Area portion of hunting district and Flathead and Blasdel WPAs restricted to ArchEquip, shotgun, traditional handgun, muzzleloader or crossbow only.

Region 2

HD 201: Increase existing white-tailed B licenses in Four Mile area from 5 to 25 and modify the area they are valid to be only private land. Eliminate the 50 white-tailed deer B-licenses for Ninemile/Sixmile Area.

HD 204/240/250/261/270: Reduce white-tailed deer general license antlerless harvest opportunity from season-long to the first 9 days. Allow youth to continue to hunt for antlerless white-tailed deer season-long on the general license. District specific antlerless B licenses would be eliminated in HD 250 and 270. Allocate limited B-licenses for antlerless white-tailed deer in other districts as follows: HD 204-50 B licenses, HD 240-100 B licenses and HD 261-25 B licenses. Reduce archery-only, over-the-counter B license 260-10 from 5 to 3 per hunter.

New HD 206/260: Adjust the boundary of Hunting District 260 to confine it to the Bitterroot River bottoms south of Missoula (see Elk Master List). Eliminate LPT 260-30. LPT 260-30 allowed 500 B licenses for either-sex white-tailed deer, using archery equipment, shotgun, traditional handgun, muzzleloader or crossbow, from December 1-January 15 in HDs 204, 240, 250, 260, 261 and 270. This would return HD 260 to an archery-only district. Institute general deer license, archery equipment only, either-sex white-tailed deer from the beginning of archery season to January 15th. Add either-sex mule deer to the general license (along with either-sex white-tailed deer) in HD 260, valid for both species from September 6-January 15. Archery only. Add 1 over-the-counter B license for antlerless mule deer. Archery equipment only. Valid only in HD 260 from September 6 - January 15. HD 206 would have a proposed general either sex whitetail deer archery season extending from September 6-January 15.

HD 240: South of Carlton Creek and outside the National Forest boundary, expand general deer license to be valid for antlerless mule deer as well as either sex white-tailed deer.

HD 240/250: Extend the backcountry rifle season for mule deer bucks from October 15 to the end of the general rifle season-valid only inside the Selway-Bitterroot Wilderness boundary in HD 240. This was LPT 240-50 and FWP would continue to offer 25 buck permits. Under this proposal, the season would continue to open on October 1. Discontinue the backcountry rifle season for mule deer bucks in HD 250, due to the proposed boundary shift (see Elk Master List) that would reduce the available hunting area. This was LPT 250-51, and only 10 permits were offered in 2012-2013.

HD 250/270: Reduce limited buck permits in HD 250 from 85 to 40, due to the proposed boundary change involving HDs 240 and 270 (see Elk Master List), which would transfer the most accessible and productive fall mule deer habitat to those districts. Eliminate all opportunity to hunt antlerless mule deer in HD 270. This would eliminate LPTs 270-00 (25 B licenses), 270-01 (25 B-licenses), and 270-02 (25 B-licenses).

HD 262: Create new Hunting District (HD) 262 from portions of HDs 204 and 261 in the East Bitterroot Valley (see Elk Master List). The general deer firearm season would run with no weapons restrictions. A primitive weapons season would run during the archery season and up to the general firearm season. The two day youth deer season would be open without weapons restrictions. General licenses would be valid for either-sex white-tailed deer and antlerless mule deer. Also, 200 B licenses would be valid for antlerless deer, either species. Existing mule deer buck permits in HD 261 would also be valid in HD 262.

HD 290: Replace with an over-the-counter B license. ArchEquip only. Up to three of these B licenses per hunter.

HD 291: Eliminate existing mule deer B licenses, reduce mule deer buck permits from 100 to 50, and reduce youth only mule deer buck permits from 25 to 10.

HD 292: Add 75 new and additional white-tailed deer B licenses (quota range 25-200) valid only on private land in the Blackfoot watershed.

Region 3

HD 309, 311, 312: All three HD's currently have separate, over-the-counter B licenses valid for antlerless white-tailed deer. The proposal is to

have 1 B license valid in all 3 districts, with no change in season dates.

HD 388: Seasons within the weapons restriction area (WRA) began with an archery opener on August 15. The proposed change is to begin all HD388 seasons, within and outside the WRA, on the standard archery opening date (September 6, 2014).

Region 4

No change

Region 5

HD's 500, 511, 530: Remove the following deer season note: Those portions of HD 511 lying within Golden Valley County are closed to the taking of deer exhibiting 75 percent or more of white coloration. This language was apparently adopted some time ago to provide protection to an albino deer observed in the area.

Regions 6 and 7

No change

Commissioner Wolfe proposed an amendment to HD 250/270 to extend the mule deer season until the end of the general rifle season.

Action: Commissioner Wolfe moved and Commissioner Wetsit seconded the Commission adopt the proposed changes for deer as presented by FWP and as amended in regards to HD 250 as discussed, extending the season date on mule deer. I also move to adopt all other portions of the previous 2012-2013 site specific deer regulations not affected by the Commission's actions today.

Chairman Vermillion asked for site specific public comment.

Steve Kamps, Montana Bowhunters Association (MBA), concerned about the proposal to HD 262; there is no HD in the state that currently has a rifle season where number and populations can be trimmed and infringed during general archery season of other weapons. Disagrees with changes in HD388.

Joe Perry, MSA, not in favor of proposal in HD 262; questions why MBA was not consulted on these proposals earlier.

Vito Quatraro, MSA, oppose any primitive weapons district inside the general archery season; going to have the general public confused the way the proposal is written.

Nick Gevok, MWF, stands behind the MBA comments.

John Borgreen, RCS, strongly opposes the proposal.

Sam Milodragovich, Sportsman, supports MBA position and comments.

Chairman Vermillion asked what the thinking was behind this proposal and explain why there is a traditional game damage approach in this area.

Mike Thompson, Region 2 Wildlife Manager gave a lengthy explanation on the proposal and the game damage approach.

Commissioner Wolfe stated he appreciates the concerns brought forward; asked if there is any harm on putting the tentative proposal out for public comment.

Chairman Vermillion stated there are issues with the proposal but is willing to let it go out for public comment. The Department needs to listen to the comments and understand the sensitivity to introducing other primitive weapons into the archery season.

Commissioner Tourtlotte stated he has no support for the proposal; does not see a workable solution.

Action on Motion: Motion passed.

ELK

The 2014 and 2015 elk season structure, some of the more significant proposed changes include reducing antlerless harvest which would be more limited to private lands in Regions 2; general antlerless hunting and Region wide B license structure in Region 4; and general antlerless/spike and Region wide B license structure in Region 5. No changes are proposed for the elk archery permit structure. Elk season comments were received during scoping and included interest in more conservative antlerless opportunities, archery permits, and public/private land management. Proposed Region changes are as follows:

Region 1

Region Specific B License Definition: In the following districts (100, 101, 103, 104, 109, 110, 120, 121, 122, 123, 124, 130, 132, 140), the

December 12, 2013

Page 20 of 51

following restriction applies: Hunters who receive a B license to hunt antlerless elk during all or any portion of the General Archery and/or Firearm Seasons may not take an antlered elk in the district or portion of a district for which the B license is valid. This restriction applies for the entire season even if the B license is valid for only a portion of the season.

HD 103: Special Youth Only hunt on Lost Trail NWR the first week of archery (brow-tined bull and antlerless) and general firearm season (brow-tined bull). Youth must be accompanied by a non-hunting adult aged 18 or older.

Region 2

Region Specific B License Definition: In the following districts (200, 201, 202, 204, 210, 211, 212, 213, 214, 215, 216, 240, 282, 283, 285, 290, 291, and 293), the following restriction applies: Hunters who receive a B license to hunt antlerless elk during all or any portion of the General Archery and/or Firearm Seasons may not take an antlered elk in the district or portion of a district for which the B license is valid. This restriction applies for the entire season even if the B license is valid for only a portion of the season.

HD 201: Reduce existing B licenses from 85 to 60 and modify the area they are valid to be only private land outside the USFS administrative boundary. Increase existing B licenses in Nemote Creek area from 30 to 50. Also add general license antlerless opportunity for youth on private land in the Ninemile/Sixmile area.

HD 202/203: Replace general elk season with unlimited permits for brow-tined bull elk. The permits would be first choice only. There would be separate permits for each HD.

Create new HD 206 out of existing HD 260: This area would be open for general license brow-tined bull harvest with archery equipment only throughout both general fall seasons. The proposed legal descriptions is HD 206 - That portion of Missoula County lying within the following described boundary: beginning at US Highway 93 and Blue Mountain Road in Missoula, then west and northerly along said road to Big Flat Road (Missoula County Route 30), then northerly along said road to the old Harper's Bridge, then westerly down the west shoreline of the Clark Fork River to the first Interstate 90 bridge west of the Ninemile interchange, then easterly along Interstate 90 to its intersection with US Highway 93 in Missoula, then southerly along said highway to Blue Mountain Road, the point of beginning. 260 Bitterroot-Clark Fork Archery District: Those portions of Missoula and Ravalli Counties lying within the following described boundary: Beginning at US Highway 93 and Miller Creek Road in Missoula, then south on said road to the Trails End Road, then south on said road to its end, then south along the east side of the Montana Power Company B Power Line to the Eightmile Creek Road, then south along said road to its junction with the eastside Highway (State Routes 203, 268 and 269), then south on said highway to its junction with US Highway 93 at Hamilton, then south on said highway to its junction with State Route 38, then south along said route to its junction with State Route 501, then south along said route to its junction with County Road 87, then south along said road to its junction with US Highway 93 at Como, then north along said highway to its junction with the Roaring Lion Road, then west along said road to its junction with County Road 68, then north along said road to its junction with County Road 62, then north along said road to its junction with US highway 93 at Riverside Bridge, then north along said highway to Miller Creek Road, the point of beginning.

HD 210/211/216: Add 1000 new B licenses (quota range 200-1200) valid only on private land.

HD 210: Decrease current B licenses from 250 to 100.

HD 211: Decrease current B licenses from 100 to 50.

HD 212: Maintain existing general season and B licenses except in proposed north portion between Boulder Creek and Gold Creek which would change to a limited draw with 100 brow-tined bull permits (quota range 5-400), along with unlimited, over the counter B licenses, valid only on private land, that must be purchased prior to the start of the archery season. The proposed north portion of HD 212 is: Boulder Creek to Gold Creek. Those portions of Granite and Powell Counties lying within the following-described boundary: Beginning at Drummond south on Highway 1 to Boulder Creek at Maxville, southeasterly on FS 676 up Boulder Creek to FS 5184 following Little Gold Creek northeasterly to FS 78452, then southeast to FS trail 8054, north to FS trail 8052 northeasterly until its intersection with FS 302, northeasterly to its junction with FS 645, north on the Gold Creek road to its intersection with Highway 90 and then northwest on Highway 90 until its intersection with Highway 1 at Drummond the point of beginning.

HD 213: Reduce current Elk B licenses from 200 to 25. Propose new 200 B licenses valid only on private land (quota range 5-400).

HD 214: Decrease current B licenses from 75 to 50.

HD 215: Maintain general elk season except for Spotted Dog WMA which is proposed as a limited draw area with 50 either sex elk permits (quota range 5-200) valid for archery and general rifle season, 25 elk B licenses for each week of the general season (quota range 5-100 for each period), and 25 elk B licenses for archery season (quota range 5-100). Additionally, on private lands throughout HD 215 add 400 elk B licenses (quota range 5-400) and on all lands south of Cottonwood Creek increase current elk B licenses from 200 to 300 and decrease current elk B licenses on all lands north of Cottonwood Creek except Spotted Dog WMA from 300 to 200.

HD 216: Decrease current B licenses from 75 to 50.

HD 240/261: Restrict the general elk archery and firearm season in HDs 240 and 261 to brow-tined bull by permit-only (unlimited permits, first-choice). Youth may hunt antlerless elk on the general license in archery or firearm season, district-wide. Eliminate Elk B licenses in these HDs (currently 50 in HD 240 and 50 in HD 261). Within a portion of HD 240-that portion located outside the National Forest boundary and south of Carlton Creek-hunters may hunt antlerless elk on the general license with archery equipment during the archery-only season, and with a rifle in the general season through November 2.

Create new HD 262 (for deer and mountain lion also) in Bitterroot Valley. This would also adjust boundaries of HDs 204 and 261. Proposed season structure is below. HD 262 elk framework: September 6-October 19: Primitive weapons (archery, shotgun, muzzle loader, traditional handgun, crossbow) General license valid for antlerless elk. October 25-November 30. Any weapon season. General license valid for antlerless elk. December 1-January 15. Primitive weapons. General elk license valid for antlerless elk. Proposed HD descriptions are: HD 262-Bitterroot Farmlands: That portion of Ravalli County lying within the following-described boundary: Beginning near Florence and Eightmile Creek at the junction of Fescue Slope Road and County Road 203 (Old East Side Highway), then south along said highway to its junction with State Highway 269 at Stevensville, then south along said highway to its junction with US Highway 93 at Hamilton, then south on said highway to its junction with State Route 38, then southeast along said route (Skalkaho Road) to its junction with the Bitterroot Irrigation District Canal (Big Ditch), then north along said ditch to its intersection with Fescue Slope Road, near Dry Gulch, then northwest along said road to County Road 203 (Old East Side Highway), the point of beginning. HD 261: That portion of Ravalli County lying within the following-described boundary: Beginning at Skalkaho Pass, then west along State Route 38 to its junction with the Bitterroot Irrigation District Canal (Big Ditch), then north along said ditch to its intersection with the Burnt Fork Road, then easterly along said road to Cut-off Gulch, then northeast along Cutoff Gulch Trail 146 to the Rock Creek Divide, then southerly along said divide to Skalkaho Pass, the point of beginning. HD 204: Those portions of Granite, Missoula and Ravalli Counties lying within the following-described boundary: Beginning at Missoula, then east along Interstate 90 to the Rock Creek Interchange, then south along the Rock Creek Road to the Eagle Creek cable crossing, then west along USFS Trail 215 to the Bitterroot Divide, then northerly along said divide to USFS Trail 146 (the Cut-Off Gulch Trail), then southwest down said trail to the Burnt Fork Road, then northwest along said road to its junction with the Bitterroot Irrigation District Canal (Big Ditch), then north along said ditch to its intersection with Fescue Slope Road, near Dry Gulch, then northwest along said road to County Road 203 (Old East Side Highway), then north on said highway to the Eightmile Creek Road, then north along said road and the Montana Power Co. Power Line to the south end of Trails End Road, then northerly along said road to the Miller Creek Road, then northerly along said road to US Highway 93, then north along said highway through Missoula to Interstate 90, the point of beginning.

HD 240/250/270: Adjust the boundaries of these contiguous hunting districts. The south boundary of HD 240 would expand approximately 7 miles southward from Tin Cup Creek to Trapper Creek, which would reduce HD 250 correspondingly. The southwest boundary of HD 270 would expand approximately 2-4 miles westward from Highway 93 generally to the head of Warm Springs Creek, which also would reduce HD 250 correspondingly. 240 West Bitterroot: Those portions of Missoula and Ravalli Counties lying within the following described boundary: Beginning at Lolo, then south on US Highway 93 to its junction with County Road 62 near the river bridge north of Hamilton, then along said road to its junction with County Road 68, then along said road to its junction with the Roaring Lion Road, then along said road to its junction with US Highway 93, then south along said highway to its junction with County Road 98 near Conner, then west along said road to its junction with the West Fork Bitterroot Road, then southwest on said road to its junction with Trapper Creek, then northwest and west up said creek to

December 12, 2013

Page 22 of 51

the Montana-Idaho border, then northward along said border to US Highway 12 at Lolo Pass, then easterly along said highway to Lolo, the point of beginning. 250 West Fork Bitterroot: That portion of Ravalli County lying within the following-described boundary: Beginning at the junction of US Highway 93 and County Road 98 near Conner, then west along said road to its junction with the West Fork Bitterroot Road, then southwest on said road to its junction with the ridgeline between the Spade Creek and Piquette Creek drainages (along the boundary between the West Fork and Darby Ranger Districts), then up said ridgeline to USFS Trail 601 and Shook Mountain, then south on said trail to Medicine Point and USFS Trail 56, then south on said trail to the headwaters of Base Creek, then southeast down said creek to its junction with Wiles Creek, then east down said creek to its junction with Warm Springs Creek, then southeast up said creek to its junction with Porcupine Creek, then southeast up said creek and along the headwaters in Sections 24 and 25, Township 1 South, Range 20 West, to the ridgeline between Camp Creek and Shields Creek, then south on said ridgeline to the Montana-Idaho border, then in a southwesterly and northerly direction along said border to its junction with the Trapper Creek headwaters, then east and southeast down said creek to its junction with the West Fork Bitterroot Road, then northeast along said road to its junction with County Road 98, then east on said road to its junction with US Highway 93 near Conner, the point of beginning. 270 East Fork Bitterroot: That portion of Ravalli County lying within the following-described boundary: Beginning in Darby, then south along US Highway 93 to its junction with County Road 98 near Conner, then west along said road to its junction with the West Fork Bitterroot Road, then southwest on said road to its junction with the ridgeline between the Spade Creek and Piquette Creek drainages (along the boundary between the West Fork and Darby Ranger Districts), then up said ridgeline to USFS Trail 601 and Shook Mountain, then south on said trail to Medicine Point and USFS Trail 56, then south on said trail to the headwaters of Base Creek, then southeast down said creek to its junction with Wiles Creek, then east down said creek to its junction with Warm Springs Creek, then southeast up said creek to its junction with Porcupine Creek, then southeast up said creek and along the headwaters in Sections 24 and 25, Township 1 South, Range 20 West, to the ridgeline between Camp Creek and Shields Creek, then south on said ridgeline to the Montana-Idaho border, then easterly along said boundary to the Continental Divide, then in a northeasterly direction along said divide to the Bitterroot-Rock Creek Divide, then in a northerly direction along said divide to its junction with State Route 38 (Skalkaho Road), then west down said road to

its junction with State Route 501, then south along said road to its junction with County Road 87, then south along said road to its junction with US Highway 93, then south along said highway to Darby, the point of beginning.

HD 250: eliminate 5 B-licenses valid for the northeast portion of the district if the Commission approves the proposed boundary change that would place the northeast portion of the district into HD 240.

HD 270: Add a general youth archery elk season (current youth season is only valid during the general rifle season).

HD 282: Reduce the number of Elk B licenses in HD282 from 25 to 5.

HD 283: Increase the number of 283-03 B-licenses from 50 to 60 and expand this B license to include the archery only season.

HD 291: Add 200 new B licenses (quota range 5 – 500) valid only on private land.

HD 292: Expand general elk license opportunity to include both brow-tined bull and antlerless elk on private lands in the Blackfoot watershed portion of HD292. Current Elk B licenses valid throughout HD292 would be eliminated. Other season structures would be maintained.

HD 292/298: Adjust boundary to HD 292: Those portions of Missoula, Granite, and Powell Counties lying within the following described boundary: Beginning at the junction of Route 271 (Drummond-Helmville Road) and the Powell/Granite County Line, then northwest on said County Line to its intersection with Bureau of Land Management (BLM) Section 9 (T12N, R13W), then east to the southeast corner of the SW ¼ Section 12 (T12N, R13W), then generally northeast along the BLM/private land boundary to the southeast corner of the SW ¼ Section 26 (T13N, R12W), then generally north along the BLM/private land boundary to the northeast corner of Section 15 (T13N, R12W), then east to the northwest corner of Section 18 (T13N, R12W), then north to the northwest corner of Section 30 (T14N, R12W), then east to the northeast corner of Section 29 (T14N, R12W), then north to the northwest corner of Section 21 (T14N, R12W), then generally northwest along the MT Dept. of Natural Resources and Conservation (DNRC)/ private land boundary to Lobe Creek, then northwest down said Creek bottom to its confluence with the Blackfoot River, then down said river to Scotty Brown Bridge and the County Road, then north on said Road to its junction with State Route 200, then west along said route to its junction with Interstate 90 near Milltown, then east along said Interstate to its junction with Route 271, then north along said Route to the point of beginning. HD 298: Those portions of Powell County lying within the following described boundary: Beginning at the junction of Route 271 (Drummond-Helmville Road) and the Powell/Granite County Line, then northwest on said County Line to its intersection with BLM Section 9 (T12N, R13W), then east to the southeast corner of the SW ¼ Section 12 (T12N, R13W), then generally northeast along the BLM/private land boundary to the southeast corner of the SW ¼ Section 26 (T13N, R12W), then generally north along the BLM/private land boundary to the northeast corner of Section 15 (T13N, R12W), then east to the northwest corner of Section 18 (T13N, R12W), then north to the northwest corner of Section 30 (T14N, R12W), then east to the northeast corner of Section 29 (T14N, R12W), then north to the northwest corner of Section 21 (T14N, R12W), then generally northwest along the DNRC/ private land boundary to Lobe Creek, then northwest down said Creek bottom to its confluence with the Blackfoot River, then down said river to Scotty Brown Bridge and the County Road, then north on said Road to its junction with State Route 200, then east on said Route to its junction with the Helmville-Ovando County Road, then south along said road to its junction with Route 271 at Helmville, then east along said route to its junction with State Route 141, then north along said route to its junction with State Route 200, then east along said route to its junction with the Ogden Mountain Road (USFS Road #1163), then south along said Road to its junction with Route 141, then southeast along said Route to its junction with Cottonwood Meadows Road (1/4 mile northwest of Nevada Lake), then northwest on said Road to its junction with Brazier Creek Road (BLM Road #2864), then south on said Road to the northern boundary of BLM Section 22 (T12N, R10W), then west along said section line to the southeast corner of Section 16 (T12N, R10W), then north along the eastern boundary of said section to its northeast corner, then west along the northern boundaries of Sections 16, 17, and 18 to the northwest corner of Section 18 (T12N, R10W), then south along said section boundary to the northeast corner of Section 24 (T12N, R11W), then west along said sections northern boundary to its northwest corner, then south along said sections boundary to its southwest corner, then west along the northern boundary of Section 26 (T12N, R11W) to its junction with Cottonwood Cr., then north along said Creek to its junction with Route 271, then south along said Route to the point of beginning.

HD 293: Restrict Elk B licenses to private land only and increase them from 25 to 100.

Region 3

HD 302: Replace the 302-50 unlimited brow-tined bull elk permit with general license brow-tined bull throughout the HD and general license brow-tined bull/antlerless on private and DNRC lands. Create either sex youth elk opportunity for the general archery season and firearm seasons throughout the HD.

HD 313: Adjust unlimited bull permits to first-choice only and extend permits to include archery season.

HD 314: Divide the hunting district so that north of Big Creek brow-tined bulls and antlerless elk may be harvested with a general license, and south of Big Creek will be restricted to brow-tined bulls only on the general license. Antlerless B licenses valid throughout the district will be maintained but the quota would be reduced from 400 to 25 and the quota range would be adjusted from 200-2000 to 25-2000.

HD 315/393: Eliminate antlerless B license valid in both 315 and 393 and create separate antlerless B licenses for HD 315 and HD 393 valid only in the respective districts. There would be 500 B licenses in HD 315 (quota range 200 – 800). In HD 393, B licenses would be unlimited and sold over the counter. Also in HD 393, modify the general season so that the last week of the general firearm season is antlerless only.

HD 319/341: For both HD 319 and 341, allow antlerless elk harvest on the general license during the archery season. In HD 341, add a new elk B licenses with a quota of 10 (quota range 5-75).

HD 321: Increase existing B licenses from 100 to 200 and increase quota range from 15-200 to 15-400.

HD 322/323/324/325/326/327/330: Implement a general license brow-tined bull/antlerless harvest through the entirety of the general rifle season instead of just the first two weeks.

HD 329: Add general license antlerless elk to the current brow-tined bull hunting during the general seasons in proposed north portion of Hunting District 329: Beaverhead County lying within the following described boundary: Beginning south of Jackson at the junction of the Skinner Meadows Road and Route 278, then southeasterly along said route to Big Hole Pass, then southerly and westerly along the Big Hole Divide to the junction with Forest Service Road 919, then southerly along said road to the junction with Bloody Dick Road (Forest Service Road 181), then northwesterly from said junction to the intersection with Forest Service Trail 1157 (Eunice Creek Trail), then southwesterly up said trail to the Montana-Idaho border, then northerly along said border to the Bloody Dick-Big Hole Divide, then easterly along said divide to the Skinner Meadow-Jackson Road, then northerly along said road to Route 278, the point of beginning.

HD 329/331/332: Combine B licenses in each HD and issue 550 licenses valid in all 3 HD (quota range 500-900).

HD 339: Eliminate general license antlerless elk harvest and add 500 new B licenses (quota range 100-800).

HD 340: Allow general license antlerless elk harvest from the 2nd Saturday of the general firearm season through the 3rd Sunday of same (9 total days).

HD 350/370: Add general license antlerless elk harvest from the 2nd Saturday of the general firearm season through the 3rd Sunday of same (9 total days).

HD 360/362: Add general license antlerless harvest in HD 362 and modify existing B license to be valid throughout the general seasons. There would be 500 licenses issued (quota range 50-1000). Also strike the one-elk-only rule in these HDs. In HD 360, implement the Jeffers Weapons Restriction Area: Beginning at the intersection of Highway 287 and the south access to Jeffers Loop Road at milepost 47.1, then north along the access road until the junction with Jeffers Loop Road, then easterly along Jeffers Loop Road until its intersection with Jeffers Loop Road South, then northerly along Jeffers Loop Road until its intersection with Jeffers Road, then west along Jeffers Road to its intersection with the entrance to Valley Garden Fishing Access Site, then westerly along the south boundary of the Valley Garden Fishing Access Site to its junction with the west bank of the Madison River, then southwesterly along the west bank of the Madison River to its intersection with Highway 287, then southeast along Highway 287 until the point of the beginning.

HD 388: Begin seasons within the Weapons Restriction Area simultaneously with the beginning of those same seasons Outside the Weapons Restriction Area within HD 388. All hunting would commence with general archery season (rather than August 15).

Region 4

Region 4 B license: Expand to include HDs 401 and 417, increase B licenses from 2800 to 4500. Not valid on National Forest lands or FWP WMAs. Valid in all Region 4 HDs except HDs 410 and 455. Also adjust quota range from 2200-3000 to 2200-5000. Remove hunting district specific B licenses in HD's 401, 412, 417, 426, 441, 447, and 450. These B licenses would be replaced with the region-wide B licenses and the general antlerless season (below).

HD 401/403/412/415/417/426/441/447/450/448: Establish (or continue) a 5-week general license opportunity for antlerless elk (or either-sex, or brow-tined bull/antlerless elk) regulation in all Region 4 hunting districts except districts 410, 420 and 455. In districts with an established general antlered bull season, change to a commensurate either-sex general season. Given this expanded antlerless opportunity for all general license holders, eliminate only youth ages 12-15 antlerless elk regulation statement in all districts. This proposal will result in a season structure change in the following Region 4 hunting districts: 401, 403, 412, 415, 417, 426, 441, 447, 450 and 448. Also remove the district-specific B licenses in HDs 401, 412, 417, 426, 441, 447, 450.

HD 411: Remove HDs 511 and 530 from the 411 B license, allow B license to be used throughout HD 411 to include USFS lands, and adjust B license quota range from 50-400 to 50-500.

HD 416: Adjust B license quota range from 100-400 to 35-400.

HD 420: Adjust either sex permit quota range from 60-100 to 50-100.

HD 422: Adjust B license quota range from 350-350 to 100-350.

HD 424/442: Adjust/clarify quota closure language (no change to intent).

HD 425: Establish five (5) either-sex elk permits valid all of HD 425 throughout the general seasons. There has not been an opportunity to full involve the Sun River Working Group on this proposal, in part due to the lateness of the proposal's arrival to the group. Input from local working groups like the Sun River Wildlife Team is valued by FWP, the department will be seeking a formal position from the work group and will strongly consider a work group position in any final recommendation.

HD 426: Adjust either sex permit quota range from 5-25 to 5-50.

Region 5

HD 500/502/portion of 510 west of HWY 310/511/portion of 520 south and east of West Fork of Rock Creek/530/570/575/portion of 580 south of Sweet Grass Creek/590: Adjust general license from antlerless to spike bull or antlerless throughout the general archery and firearm seasons. Spike bull definition is any elk having antlers which do not branch. If branched, branch must be less than four inches long measured from the main antler beam.

HD's 500, 502, Portion of 510 west of HWY 310, 511, 520, 530, 570, 575, 580 and 590: The proposal is to remove the individual hunting district Elk B-licenses in the above districts and portions and replace those B licenses with one Region 5 elk B license that would be valid in these districts or district portions but not valid on National Forest lands. The current archery and general season either sex permit structure would remain unchanged in these districts and district portions. Bull harvest opportunity is by permit only in the form of either sex archery permits and either sex general season permits in these districts or district portions. FWP proposes a quota of 1200 licenses and quota range of 500-2500.

HD 511/530: Remove these HD's from the HD 411 B license.

HD 520: Change general elk license opportunity during general firearm season from: October 25-November 30 - Antlered Bull Elk. Only valid north and west of the West Fork of Rock Creek.-Either-sex Elk. Only youth ages 12-15. Only valid north and west of the West Fork of Rock Creek. To: October 25-November 30 - Either-sex Elk. Only valid north and west of the West Fork of Rock Creek.

HD 570/580: Adjust quota ranges for either sex permits in HD 570 from 10-65 to 30-120 and in HD 580 between Big Timber Creek and West Fork Duck Creek from 10-40 to 30-100.

HD 580: Adjust the quota range for either-sex permits in the Sweet Grass to Big Timber portion (580-21) from the current range of 10-30, to 15-75.

Region 6 and 7

No change.

Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the Commission adopt the 2014 and 2015 elk hunting season and hunting district changes as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 elk season regulations not affected by the Commission's actions today.

Commissioner Wolfe asked in HD393, can anybody that holds a general elk license hunt antlerless elk during the last week.

Pauley stated yes, only general license holders can hunt antlerless elk during the last week.

Chairman Vermillion asked if the HD 212 proposal is trying to liberalize the north end of the district.

Pauley stated yes, there are a couple objectives embedded for the proposal.

Director Hagener explained there are special management hunts happening this season to try and alleviate the problem.

Chairman Vermillion stated he is unclear why the number of permits is low in HD 380-20; can additional trophy elk opportunities be given.

Howard Burt, Region 3 Wildlife Biologist, stated it's worth looking at; there is a great opportunity.

Chairman Vermillion asked the Department to take public comment on adding permits to HD 380.

Commissioner Wolfe stated he has received calls inquiring about the possibility of implementing post season antlerless only elk hunts on units that are over objective and calls asking where there are limited amount of permits for bull elk, and a person draws a permit, could they be subject to a multi-year waiting period before they reapply.

Director Hagener and Chairman Vermillion gave a brief explanation and background on Commissioner Wolfe's comments.

Chairman Vermillion asked for public comment.

Vito Quatraro, MSA, stated the recommendation for HD 360/362 came from the Madison Valley Working Group; thanked Region 3 for moving forward with the recommendation. Has concern regarding HD 393; will cause confusion with hunters. Asked what the intent and rationale is for HD 314.

Howard Burt, Region 3 Biologist, explained the objective and rationale for HD 314 proposal; trying to direct more harvest to the north end of the district.

Unknown, asked to suspend youth hunts in under objective areas.

Chris Marchion, Anaconda Sportsman Club, stated people are upset that hunters can take two elk; suggested a proposal for HD 210, 211, 216.

Steve Kamps, MBA, asks for support on HD 262 and 388; questions the HD 260 proposal. Recommend the areas that are highly coveted, not allow spikes to be harvested.

Joe Perry, MSA, stated the HD 425 proposal is not biological, it is social; the Sun River Working Group has not had a chance to weigh in on this proposal; there's a communication problem, directly coming from the region 4 supervisor's office; asking to strike this proposal

and allow the working group to bring forward their own proposal.

John Borgreen, RCS, requests to have more time to look at the HD 425 proposal.

Brian McCullough, Helena, commented on late hunts, landowners and regional biologists.

Adam Barker, Great Falls, would like the Department to collaborate with working groups; would be appreciated.

MaryEllen Schnur, MOGA, suggests having elk archery permits in the Missouri breaks on a first choice basis.

Ron Wetsch, Drummond, stated the FWP public relations has hurt the landowners; need to work with all landowners.

Commissioner Stuker responded to Mr. Wetsch comment and stated the Department has to help the individuals that are working with FWP first. He has concerns with HD 425.

Action on Motion: Motion passed.

ANTELOPE

Quota Change

For the 2014 and 2015 antelope season structure changes are limited to reduced quota ranges to address lower population levels (see quota ranges in main Commission file.

Action: Commissioner Tourtlotte moved and Commissioner Stuker seconded the Commission adopt the proposed quota changes for antelope as presented by FWP.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

Pauley gave a detail description on the 900-00 Archery-Only Season.

900-00 Archery-Only Season

The antelope 900 archery-only license would be unlimited in number and purchased over-the-counter, by a deadline of June 1. Purchase of a 900 antelope license would then preclude the applicant from applying for other antelope either-sex licenses to be allocated in the existing Deer, Elk and Antelope drawing with an application deadline of June 1. Purchase of the 900 archery license would not preclude applying for antelope doe/fawn licenses. Persons purchasing a 900 antelope license may still purchase any surplus antelope licenses within the existing limitation of only three antelope licenses per hunter only 1 of which may be either-sex.

Action: Commissioner Stuker moved and Commissioner Wolfe seconded the Commission adopt the 900-00 Archery-Only Season as proposed by FWP.

Commissioner Tourtlotte asked how long the 900 season structure been in place.

Pauley stated it started in 2008, prior to that it was unlimited and was available as a first choice only in the drawing.

Commission Tourtlotte stated this proposal is going to affect a couple thousand Montana bow hunters who don't put this as their first choice and eliminate them from the hunt; troubled to find support for this proposal; liked to look at different ways to solve this problem.

Chairman Vermillion asked what prevents the Department from making an unlimited first and second choice so Montana archers can still apply for their rifle tag, if they don't get it they can automatically get the archery opportunity; any concerns about late notification to hunters that travel, will have certainty that they can still hunt.

Pauley stated that is a good alternative; the only problem is the paper licenses are sent in the mail.

Commissioner Tourtlotte asked about sending a secured pdf email that the hunter could print out.

Pauley stated the Department needs to look at any specific limitations or boundaries on licensing and report back to the Commission.

Chairman Vermillion asked for public comment.

Vito Quatraro, Bozeman, stated he has a problem with an unlimited tag; antelope are not doing well in Montana; perception is not good; giving special treatment to archers; system is not broken, leave it alone.

MaryEllen Schnur, Montana Outfitter and Guides Association (MOGA), stated to make tags on a first come first serve basis; when they

are gone, they are gone.

Steve Kamps, MBA stated the process is not working; the MBA was not informed on several changes until recently. Biggest issue is first choice only; need to discuss more with the MBA board and members.

Sam Milodragovich, Sportsman, questions the proposal.

Commissioner Tourtlotte stated it is troubling the MBA did not get more than a week's notice on this proposal; does not want proposal to go out for public comment.

Chairman Vermillion stated the current system striking is trying to balance between resident and non-resident archery opportunity. The Department needs to adjust the system so it can incorporate both the archery demand for hunting and the scientific need to gather data; this proposal does not do that; going to vote again proposal.

Action on Motion: Motion fails unanimously.

Action: Commissioner Stuker moved and Commissioner Tourtlotte seconded the Commission adopt all other portions of the previous 2012-2013 antelope season regulations not affected by the Commission's actions today. Action on Motion: Motion passed.

15. 2014-2015 Moose, Sheep and Goat Hunting Seasons, Quota Ranges and HD Boundaries – Proposed

MOOSE

For the 2014 and 2015 moose season structure changes include some boundary changes, new hunts, and reduction of antlerless opportunity. Moose season comments were received during scoping and included interest in drawing odds and lower moose populations. Proposed Region changes are as follows:

Region 1

No change

Region 2

No change

Region 3

District 302: Close this district to moose hunting.

Districts 304 and 311: Combine the 2 districts into 1 hunt (311), with a total of 5 antlered bull licenses and a quota range of 1 to 15.

District 325: Change the moose district 325 boundary to the following description: That portion of Deer Lodge County lying within the following-described boundary: Beginning at the junction of Route 43 and Route 274 then westerly along Route 43 to its intersection with North Fork Road, then southwesterly along said road to its intersection with Pintler Creek Road, then northwesterly along said road to its intersection with the forest boundary, then northerly and easterly along said boundary to the Mudd Creek-Pintler Creek Divide, then northwesterly along said divide to the Continental Divide near East Pintler Peak, then northerly and easterly along said divide to Route 274, then southerly along said route to Route 43, the point of beginning.

District 343: Create a new district 343, with the following legal description, and offer 1 antlered bull license with a quota range of 1 to 2.

District 343 legal description: Beginning at US Highway 12 West at MacDonald Pass and the Continental Divide, then northwesterly along the Continental Divide to the North Fork Lyons Creek, then southeasterly down said creek to Interstate 15, then southeasterly along said route to the north boundary of Section 31, T12N, R3W, at the north of the split median of Interstate 15, then following the north boundary of Section 31 westerly to the northeast corner of Section 36, T12N, R4W, then southerly along the east boundary of Section 36, then west along the south boundary of Section 36 to Green Meadow Drive, then south along Green Meadow Drive to its junction with Woodland Hills Road, then west on Woodland Hills Road to its junction with L1 Mountain Road, then south along L1 Mountain Road to Highway 279 (Lincoln Road West) then westerly along said route to its intersection with County Route 602 (the Birdseye Road, also known as Williams Street), then southerly along said route to the north boundary of Section 15, T10N, R4W, and the intersection with the property owned and administered by the Department of Defense and known as Fort Harrison in Section 15, T10N, R4W, then along the boundary of all property owned and administered by the Department of Defense known as Fort Harrison in Sections 15, 16, 17, 18, 19, 20, 21, and 22, T10N, R4W, to the intersection with County Route 602 (the Birdseye Road, also known as Williams Street) in Section 22, T10N, R4W, then southerly along said route to its intersection with US Highway 12, then westerly along said route to MacDonald Pass and the Continental Divide, the point of beginning.

Region 4

Districts 600 & 401: Remove the portion of existing 600 that is in Region 4, and describe that as a new district (401), with 2 either-sex licenses and a quota range of 1 to 5; District 401 legal description: Those portions of Toole and Liberty Counties lying within the following-described boundary: Beginning at the Port of Sweetgrass and its junction with Interstate 15 on the Canadian border, then east on said border to the Liberty-Hill County line, then south on said line to US Highway 2, then west along said highway to Shelby and Interstate 15, then north along said interstate to Sweetgrass, the point of beginning.

District 441: Create a new district (441), with 1 either-sex license and a quota range of 1 to 5. District 441 legal description: Those portions of Pondera and Teton Counties lying within the following described boundary: Beginning at the Blackfeet Indian Reservation boundary on US Highway 89, then southerly on said highway to the junction of US Highway 287 in Choteau, then southerly on said highway to north bank of the Sun River, then westerly along said bank to Gibson Reservoir, then westerly along the north bank of Gibson Reservoir to the east bank of the North Fork of the Sun River, then north along the east bank of the North Fork of the Sun River to Sun River Pass, then easterly and northerly along the Continental Divide, to Badger Pass and USFS Trail 121, then easterly along said trail to Swift Dam, then north and east along the Blackfeet Indian Reservation boundary to US Highway 89, the point of beginning.

Region 5

No changes are proposed.

Region 6

District 600: Describe a new District 600 that encompasses all of Region 6, with 3 either-sex licenses and a quota range of 1 to 15. New District 600 legal description: Those portions of Hill, Blaine, Chouteau, Phillips, Valley, Daniels, Roosevelt, McC1, Sheridan, Garfield and Richland Counties lying within the following described boundary: Beginning at a point where the Hill-Liberty County Line meets the Canadian Border, then east on said border to the North Dakota Border, then south along said border to State Route 200 at Fairview, then southwest and westerly along said route to Little Dry Creek west of Flowing Wells, then northerly along said creek to Big Dry Creek, then northerly along said creek to the east shore of Fort Peck Reservoir, then northerly along said shore to the Fort Peck Dam Spillway, then westerly along the north shore of Fort Peck Reservoir/Missouri River to the Marias River, then northwesterly along said river to the Hill County Line, then north along said line to where the Hill-Liberty County Line meets the Canadian Border, the point of beginning.

Region 7

No changes are proposed.

Action: Commissioner Stuker moved and Commissioner Wolfe seconded the Commission adopt the 2014 and 2015 moose hunting season and hunting district changes as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 moose season regulations not affected by the Commission's actions today.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

BIGHORN SHEEP

For the 2014 and 2015 bighorn sheep season, structure changes include some ewe season closures, boundary changes, and quota range adjustments. Bighorn sheep season comments were received during scoping and included interest in drawing odds.

Region 1

District 123: Close the 123-30 ewe season.

Region 2

No change

Region 3

District 302: Increase quotas and quota ranges for ewes and rams (see quota report in Commission meeting file). Change the district 302 legal description. And extend the ewe season closing date to the end of the general rifle season (Sunday after Thanksgiving). New district 302 legal description: Those portions of Gallatin and Madison Counties lying within the following-described boundary: Beginning at the junction of Taylor's Fork and U.S. Highway 191, then southerly along said highway to its intersection with the Yellowstone National Park boundary, then southerly along said boundary to the Montana-Idaho border, then northwesterly along said border to Route 87, then northerly along said route to U.S. Highway 287, then northerly along said highway to its junction with Indian Creek, south of Cameron, then easterly up Indian Creek to the Madison-Gallatin River divide, then easterly to Cache Creek of Taylor's Fork, then southeasterly down said creek to Taylor's Fork, then easterly down said fork to U.S. Highway 191, the point of beginning. Gallatin Closed Area (renamed Gallatin Special Management Area) Bacon Rind and Buffalo Horn Units Closed to hunting bighorn sheep. Refer to Areas Closed or Limited to Hunting for unit legal description.

District 340: Re-open district 340, with 1 either-sex license and a quota range of 1 to 3.

Region 4

Districts 422, 423, 424: Close the ewe licenses (422-30, 423-30, 424-30) in these districts.

Region 5

No Change

Region 6

District 620: Re-establish district 620, which is currently included in 680, and offer 1 either-sex license (quota range of 1-3).

District 622: Change the legal description for the portion of 622 west of Timber Creek, that is used to define the legal area for the ewe license (622-30). The new description is as follows: Those portions of Valley and Phillips Counties lying within the following-described boundary: Beginning at the confluence of Timber Cr. and Fort Peck Reservoir then up said creek to the Anderson Road, then up said road to the Triple Crossing Road, then west on said road to the Larb Creek-Content Road, then northwesterly along said road to Content Road, then southwesterly along said road to Crowder Road, then easterly along said road to the Reynolds Hill Road, then southerly along said road to Fort Peck Reservoir, then easterly along said reservoir to Timber Creek, the point of beginning.

District 680: Change the 680 legal description to the following: Beginning at Coal Banks Landing along the Missouri River, then southeasterly along the northern boundary of Upper Missouri River Breaks National Monument boundary to the intersection with Montana Highway 236 north of Judith Landing, then northwest along Highway 236 to the Eagleton Road, then northeast along the Eagleton Road to its junction with the Cow Island Trail, then east along the Cow Island Trail to the junction with the Lloyd Road, then north along the Lloyd Road to Cow Creek, then southeast along Cow Creek to Suction Creek, then northeast along Suction Creek to Little Suction Creek, then east along Little Suction Creek to the Fort Belknap Indian Reservation boundary, then south and east along said boundary to the intersection with Montana Highway 66, then south along Highway 66 to the junction with US Highway 191, then southwest along Highway 191 to its intersection with the Missouri River, then northwest along the Missouri River to Coal Banks Landing, the point of beginning. Submarginal lands adjacent to the Ft. Belknap Indian Reservation shall be closed to all hunting. For more information contact Ft. Belknap Community Council, Box 349, Harlem, MT 59529.

Region 7

No change

Action: Commissioner Stuker moved and Commissioner Wolfe seconded the Commission adopt the 2014 and 2015 big horn sheep hunting season and hunting district changes as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 big horn sheep regulations not affected by the Commission's actions today.

Chairman Vermillion stated it is nice to see the reopening of HD 340; glad the herd has recovered to the point where a hunt can be justified.

Chairman Vermillion asked for public comment.

Chris Marchion, Anaconda Sportsmen Club, requested HD 213 be opened for limited Ram permits; there is no lamb production in the HD.

Jim Weatherly, WSF, stated the foundation received the proposed changes last week; preliminary do not have any problems with proposal with will submit formal comments; HD 213 should be look at.

Chairman Vermillion stated he would like the Department to take a hard look at HD 213.

Action on Motion: Motion passed.

MOUNTAIN GOAT

For the 2014 and 2015 mountain goat season structure changes include 1 new hunt and quota range changes. Mountain goat season comments were received during scoping and included interest in drawing odds.

Regions 1-2

No change

Region 3

District 361: Create a new district, 361, and offer 2 licenses with a quota range of 1 to 10. District 361 would have the following legal description: 361 Hebgen-Upper Madison: Those portions of Madison and Gallatin Counties lying within the following-described boundary: Beginning where the western boundary of Yellowstone National Park intersects the Montana-Idaho border, then northerly along the Yellowstone National Park Boundary to its intersection with Grayling Creek, then southwesterly along said creek to the north shore of Hebgen Lake, then westerly along the north shore of Hebgen Lake to Hebgen Lake Dam, then westerly along the north shore of the Madison River and Earthquake Lake to Route 87, then southerly along said route to the Montana-Idaho border then southeasterly along said border to the intersection of the Yellowstone National Park Boundary, the point of beginning.

Regions 4-7

No change

Action: Commissioner Tourtlotte moved and Commissioner Wetsit seconded the Commission adopt the 2014 and 2015 mountain goat hunting season and hunting district changes as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 mountain goat season regulations not affected by the Commission's actions today.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

16. 2014-2015 Black Bear Hunting Seasons, Quota Ranges HD Boundaries and Quotas – Proposed

George Pauley, Wildlife Management Section Chief explained for the 2014 and 2015 black bear season, structure changes include a longer spring season in district 200 and boundary changes in Region 5. The proposed changes are as follows:

<u>Region 1</u>	<u>Region 2</u>	<u>Regions 3-4</u>	<u>Regions 6-7</u>
No change	District 200	No change	No change
	Extend the spring season closing date from May 31 to June 15		

Region 5

Districts 510, 520, 580

The proposed change moves the northern portions of BMUs 510 and 520 into BMU 580. BMUs 510 and 520 have the harvest controlled by limited quota both spring and fall; BMU 580 has no quota. In recent years both the spring and fall quotas in BMUs 510 and 520 have sometimes quickly filled and the season closed after only a few days of hunting. This season type is appropriate for the Pryor and

December 12, 2013

Page 36 of 51

Beartooth Mountains, its limited use for low elevation bears occupying habitats near Billings and Laurel. In those habitats the continued expansion of subdivisions along creek corridors results in a number of human-bear conflicts annually. The limited season in BMU 510 and the northern most portion of BMU 520 typically does not allow these conflicts to be resolved using Montana sportspersons. The proposed boundary change would shift the primary area of conflict into BMU 580 where the less conservative season could result in the harvest of the potential conflict bears by hunters rather than FWP staff.

Action: Commissioner Wetsit moved and Commissioner Wolfe seconded the Commission adopt the 2014 and 2015 black bear hunting season and hunting district changes as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 black bear season regulations not affected by the Commission's actions today.

Chairman Vermillion asked for public comment.

Adam Barker, Great Falls, recommends making the spring season closing date to June 15 statewide.

MaryEllen Schnur, MOGA, stated the black bear EIS was adopted in 1994; strongly encourages the Department to finish amending the EIS to get the state of the art bear knowledge implemented in the bear season.

Chairman Vermillion asked what is the status on the black bear EIS.

Pauley stated there are number of plans that need to be updated; it is just a matter of staff and time; nothing has changed to the 1994 plan.

Action on Motion: Motion passed.

17. 2014-2015 Mountain Lion Hunting Seasons and HD Boundaries – Proposed

George Pauley, Wildlife Management Section Chief explained for the 2014 and 2015 mountain lion season, structure changes include a transition to male subquotas in Region 1 and a revised definition of fall/archery quota allocation.

Statewide

Archery/Fall Quota Allocation - By Commission rule, up to 20% of the lion quota in each lion hunting district, is allocated to the archery and fall seasons. That allocation is rounded down to the nearest lion; if the quota in a district was 8 lions, 20% equates to 1.6 lions, and the archery fall quota would be 1

lion. FWP proposes altering that rule to round to the nearest lion; if the quota in a district was 8 lions, 20% equates to 1.6 lions, and the archery fall quota would be 2 lions.

Region 1 quota changes and subquota gender - The proposal is to reduce special license in 6 districts, while increasing licenses in 2 districts. The total net change is a reduction of 33 lion licenses. In addition, the region proposes to regulate harvest with male rather than female subquotas. The proposed changes are as follows:

Regions 2-7

No change

Action: Commissioner Wolfe moved and Commissioner Wetsit seconded the Commission adopt the 2014 and 2015 mountain lion hunting season and hunting district changes as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 mountain lion season regulations not affected by the Commission's actions today.

Chairman Vermillion asked for public comment.

MaryEllen Schnur, MOGA, supports the new rounding method; fair and sensible. Encourages the Department to finish the EIS.

Action on Motion: Motion passed.

18. 2014-2015 Bison Hunting Seasons and HD Boundaries – Proposed

George Pauley, Wildlife Management Section Chief explained for the 2014 and 2015 bison season, structure changes include increased quotas, quota ranges, a season framework with two rather than three periods, and adjustments to district boundaries. Bison season frameworks would be changed to the following:

HD 395 (west side) – see new boundary description

HD 385 (north side) – no boundary change

Hunt period 1 = Nov 15-Jan 15, 20 licenses

Hunt period 1 = Nov 15-Jan 15, 20 licenses

Hunt period 2 = Jan 16-Feb 15, 20 licenses

Hunt period 2 = Jan 16-Feb 15, 20 licenses

(quota range on each = 10-100)

(quota range on each = 10-100)

The 395 boundary would be expanded to the following:

Those portions of Madison and Gallatin Counties lying within the following-described boundary: Beginning where the western boundary of Yellowstone National Park intersects the Montana-Idaho border, then northerly along the Yellowstone National Park Boundary to the Gallatin-Yellowstone Rivers divide, then northerly along said divide to Eaglehead Mountain, then in a

December 12, 2013

Page 38 of 51

westerly and northerly direction along the Portal Creek-Porcupine Creek divide and along the Porcupine Creek-Levinski Creek Divide to the Gallatin River, then southerly up the Gallatin River to its confluence with Buck Creek, then westerly along Buck Creek to the Gallatin-Madison Divide, then southerly along the Gallatin-Madison divide to the west boundary of the Cabin Creek Recreation and WMA, then southerly and easterly along said boundary to the Beaver Creek-Cabin Creek Divide, then southerly along said boundary to its junction with the Madison River, then south along the north boundary of the Madison River to Hebgen Dam, then along the Earthquake Lake/Lower Madison-Hebgen Lake watershed divide to the Montana-Idaho border, then south and east along this border to the point of beginning.

Action: Commissioner Tourtlotte moved and Commissioner Stuker seconded the Commission adopt the 2014 and 2015 bison hunting season and hunting district changes as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 bison season regulations not affected by the Commission's actions today.

Commissioner Wolf stated there were problems last year and asked if there is anything being done to address the way the hunt would be managed this year.

Pat Flowers, Region 3 Supervisor explained the problem was exclusive to the Tribal hunt that occurred after the regular hunting season was over and happened on Forest Service (FS) land. The FS has closed a perimeter around the trail head to harvest to try and help alleviate the problem.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

19. 2014-2015 Upland Game Bird Hunting Seasons, Quotas and HD Boundaries – Proposed

For the 2014 and 2015 upland bird seasons, structure changes include sagegrouse harvest management zones, and adjustments to turkey permits and seasons.

Sagegrouse

Establish three harvest management zones in Montana; other season framework changes will be developed this spring and presented at the May 2014 Commission meeting.

Region 1

Region 1 bag limit change - Increase the fall bag limit to 2 turkeys in all of Flathead, Lake, Lincoln and Sanders Counties.

Region 2

Turkey District 282

Increase spring and fall permit numbers:

282-20 (spring) from 150 to 200 permits

282-50 (fall) from 50 to 100 permits

Region 3

Turkey District 375

Increase spring and fall permit numbers:

375-20 (spring) from 15 to 30 permits

375-21 (spring) from 2 to 10 permits

375-50 (fall) from 10 to 40 permits

375-51 (fall) from 2 to 10 permits

Region 4

Turkey District 400: Establish a new district and hunt, with the following legal description: Chouteau (R4 portion), Toole, Pondera, Liberty, and Teton Counties. 400-20 5 permits

Regions 5-7

No change

Action: Commissioner Wolfe moved and Commissioner Wetsit seconded the Commission adopt the 2014 and 2015 upland game bird season hunting and hunting district changes as presented by FWP. I also move to adopt all other portions of the previous 2012-2013 upland game bird season regulations not affected by the Commission's actions today.

Chairman Vermillion stated the bird populations are down; a lot of concern; look closely at public comment.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

20. 2014-2015 Migratory Game Bird Hunting Seasons (contingent upon Federal frameworks) – Proposed

George Pauley, Wildlife Management Section Chief explained migratory bird hunting regulations pertain to cranes, snipe, ducks, geese, swans, and coots; Montana participates in both Central and Pacific Flyways and adheres to the federal frameworks established by the FWS in cooperation with the flyway councils. Frameworks that include season dates and bag limits are not finalized until late summer; States may be more conservative than these frameworks to include local area closures, but may not exceed them. The migratory bird regulations in this biennial season setting, expands public process for season elements that may be adopted at this time pending confirmation or finalization of federal frameworks later this summer. For the 2014 and 2015 migratory bird regulations, FWP proposes

to expand the 380 hunt area to also include Madison and Gallatin Counties.

Action: *Commissioner Wetsit moved and Commissioner Tourllotte seconded the Commission adopt the 2014 and 2015 migratory bird hunting season and hunting district changes as presented by FWP, but with adjustments proposed by the Commission. I also move to adopt all other portions of the previous 2012-2013 migratory bird season regulations not affected by the Commission's actions today.*

Chairman Vermillion asked for public comment.

Action on Motion: *Motion passed.*

21. 2014-2015 Game Damage/Management Season Quotas – Proposed

George Pauley, Wildlife Management Section Chief explained game damage quotas have been adopted for each region for deer, elk and antelope; with the addition of Management Seasons, the need emerged to ensure these quotas accommodate that tool as well. These quotas represent proposed authority and limits to potentially prescribed harvest from any future game damage hunts and/or management seasons and potential prescribed harvest, not necessarily permit/license numbers or hunter numbers. The total maximum quotas are:

REGION	DEER	ELK	ANTELOPE
1	100 500	50 500	0
2	400	600 1000	50
3	1400	2000	200
4	1500 750	1000	450
5	1400	600	300
6	5000 2000	500	100
7	5000 2000	200	500

Action: *Commissioner Stuker moved and Commissioner Wetsit seconded the Commission adopt proposed 2014 and 2015 Game Damage and Management Season Quota authorizations as proposed by FWP.*

Chairman Vermillion asked for public comment.

Brian McCullough, Helena, asked the Commission to establish hunts during the two year cycle and give the general public advance

notice where the hunts will take place.

Action on Motion: Motion passed.

22. 2014-2015 Hunting Season Dates – Proposed

George Pauley, Wildlife Management Section Chief explained season dates are currently adopted biennially for all game species. These dates are a combination of fixed dates and formula dates, an annual change due to the progression of the calendar from 1 year to another. These annual movements can place season dates in conflict with public expectations or traditions. Some specific areas have exceptions to these general statewide dates by species and are also proposed again for 2014 and 2015 or are proposed to be different within individual species-specific proposals. The proposed 2014 and 2015 two-day statewide youth deer hunting season will overlap the last Thursday and Friday of the statewide archery season, rather than occurring on the Thursday and Friday prior to the general opener. This is a function of the definition for Montana Education Association training dates and is unavoidable; dates are set and unchangeable through 2019.

Proposed 2014 Season Dates

Proposed 2015 Season Dates

Season	Dates/Process	Season	Dates/Process
Antelope 900	8/15 – 11/9 (8/15 to 2 nd Sunday in November)	Antelope 900	8/15 – 11/8 (8/15 to 2 nd Sunday in November)
Antelope archery	9/6 – 10/10 (First Saturday of September to Friday of Columbus Day weekend)	Antelope archery	9/5 – 10/9 (First Saturday in September to Friday of Columbus Day weekend)
Antelope general	10/11 – 11/9 (Saturday of Columbus Day weekend to 2 nd Sunday in November)	Antelope general	10/10 – 11/8 (Saturday of Columbus Day weekend to 2 nd Sunday in November)
Moose/sheep/goat	9/15 – 11/30 (9/15 to Sunday after Thanksgiving; some districts vary)	Moose/sheep/goat	9/15 – 11/29 (9/15 to Sunday after Thanksgiving; some districts vary)
Bison	11/15 – 2/15	Bison	11/15 – 2/15
Black bear spring	4/15 – 5/15 (some districts end later)	Black bear spring	4/15 – 5/15 (some districts end later)
Black bear fall – archery	9/6 – 9/14 (First Saturday of September to 9/14)	Black bear fall – archery	9/5 – 9/14 (First Saturday of September to 9/14)
Black bear fall	9/15 – 11/30 (9/15 to Sunday after Thanksgiving)	Black bear fall	9/15 – 11/29 (9/15 to Sunday after Thanksgiving)
Deer/elk/lion archery	9/6 – 10/19 (First Sat in Sept to Sunday before general deer/elk opener)	Deer/elk/lion are Proposed 2014 Season Dates archery	9/5 – 10/18 (First Sat in Sept to Sunday before general deer/elk opener)
Deer/elk backcountry	9/15 – 11/30 (9/15 to Sunday after Thanksgiving)	Deer/elk backcountry	9/15 – 11/29 (9/15 to Sunday after Thanksgiving)
Deer youth	10/16 – 10/17 (MEA days; not adjacent to general season start, overlap with archery)	Deer youth	10/15 – 10/16—(MEA days; not adjacent to general season start, overlap with archery)
Deer/elk general	10/25 – 11/30 (37 days ending Thanksgiving Sunday—Saturday start)	Deer/elk general	10/24 – 11/29 (37 days ending Thanksgiving Sunday—Saturday start)
Mountain lion fall	10/25 – 11/30 (37 days ending Thanksgiving Sunday—Saturday start)	Mountain lion fall	10/24 – 11/29 (37 days ending Thanksgiving Sunday—Saturday start)
Mountain lion winter	11/30 – 4/14	Mountain lion winter	11/29 – 4/14 start date overlaps end date for general deer/elk
Sage grouse	9/1 – 11/1	Sage grouse	9/1 – 11/1

Sharp-tailed grouse	9/1 – 1/1	Sharp-tailed grouse	9/1 – 1/1
Mountain grouse	9/1 – 1/1	Mountain grouse	9/1 – 1/1
Partridge	9/1 – 1/1 (9/1 to 1/10 for portion of Carbon County)	Partridge	9/1 – 1/1 (9/1 to 1/10 for portion of Carbon County)
Pheasant	10/11 – 1/1 (Saturday of Columbus Day weekend to 1/1)	Pheasant	10/10 – 1/1 (Saturday of Columbus Day weekend to 1/1)
Youth Pheasant/Youth Waterfowl	9/27 - /9/28 (weekend before start of general waterfowl)	Youth Pheasant/Youth Waterfowl	9/26 - 9/27 (weekend before start of general waterfowl)
General Waterfowl	10/4 Start date (Saturday nearest 10/1; End date to be adopted late summer 2014 per federal frameworks)	General Waterfowl	10/3 Start date (Saturday nearest 10/1; End date to be adopted late summer 2015 per federal frameworks)
Turkey spring	4/12 – 5/18 (2nd Saturday in April to 3 rd Sunday in May)	Turkey spring	4/11 – 5/17 (2nd Saturday in April to 3 rd Sunday in May)
Turkey fall	9/1 – 1/1	Turkey fall	9/1 – 1/1

Action: *Commissioner Wetsit moved and Commissioner Tourtlotte seconded the Commission adopt the 2014 and 2015 Hunting Seasons Dates as presented by FWP.*

Chairman Vermillion asked in regards to Antelope 900, in moving the date forward to August 30, would it be an issue for hunters, and would it help the Department address concerns over permits.

Pauley stated it would provide a week of relief in the time interval between the drawing date and the start date for delivering licenses.

Steve Kamps, MBA, stated the August 15 date is highly coveted by bowhunters.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

Chairman Vermillion thanked the Department for the hard work on the proposals; very difficult.

23. Otter Island Fisheries Conservation Area - Land Acquisition – Final Action

Hugh Zackheim, Land Section Supervisor explained on June 14, 2012, the Commission endorsed FWP evaluating four parcels along the upper Flathead River for acquisition, including a proposed Conrad Drive Fisheries Conservation Area (FCA). FWP now proposes to acquire this 147-acre parcel, renamed the Otter Island FCA and located 1.5 miles east of Kalispell. The property adjoins FWP's 126-acre Old Steel Bridge Fishing Access Site (FAS), and includes important riparian and wetland habitats along a mile of the Flathead River, nearly 1 mile of active side channel, and a small spring creek. There will be no cost to FWP for the land acquisition; the property was purchased in 2011 by the Confederated Salish and Kootenai Tribes (CSKT) to protect it from threat of development; funding for the purchase (\$1.6 million) was provided by the Bonneville Power Administration, as part of the Hungry Horse Dam mitigation program. BPA retains a perpetual conservation easement (CE) to ensure protection of the site's fish and wildlife habitat and other ecosystem functions. The property would be managed by FWP for fish and wildlife habitat, open space, and dispersed public recreation, all as provided for in BPA's CE and FWP's draft Management Plan. The ownership transfer will enhance management efficiency of the combined 273-acre Otter Island Old Steel Bridge area. The ownership transfer complements a related transaction, through which FWP assisted in the allocation of separate BPA funds to CSKT for the Tribes' acquisition of a Swan Valley conservation property. FWP issued its draft EA for a 30-day public review September 13, 2013; received eight comments supporting the proposed project and two opposed; one citizen opposed the project because of confusion over the details of the proposed transfer by the CSKT; another citizen had management concerns and was opposed unless these concerns were addressed by FWP; received suggestions about proposed management from a strong supporter. FWP responded to all the concerns and comments in the decision notice through minor modifications to the management plan. The EA considered the no-action alternative, under which CSKT would continue to own and manage this property. However, the EA analysis identified certain management benefits along this section of the Flathead River that would be achieved through FWP ownership, and did not find any significant negative impacts associated with proceeding with the proposed action. FWP appreciates CSKT's willingness to transfer property ownership, and recommends the Commission approve the project as proposed in the Final EA and Decision Notice. This project maintains the direct benefits of securing and protecting fish and wildlife habitat along the Flathead River, consolidates FWP ownership in the Otter Island Old Steel Bridge area, improves management and enforcement efficiencies, and maintains public access to additional land along the Flathead River.

Action: Commissioner Wolfe moved and Commissioner Wetsit seconded that the Commission approve FWP's fee acquisition of the 147-acre Otter Island Fisheries Conservation Area, as described in the November 18, 2013 Decision Notice.

Chairman Vermillion asked for public comment.

Chairman Vermillion thanked CSKT for this incredible gift for the people of Montana.

Action on Motion: Motion passed.

24. Seeley Lake Bass Limit – Final Action

Bruce Rich, Fisheries Administrator explained on October 10, 2013 the Commission proposed changes to the fishing regulations for Seeley Lake for 2014. Smallmouth bass have been discovered in Seeley Lake and reported to FWP in the summer of 2013, apparently the result of an illegal introduction. FWP believes this species has the potential to expand to other waters in the Clearwater drainage and at densities that may impact other managed species, including kokanee, bull trout and cutthroat trout. In response to this problem, the Commission proposed a no limit regulation for all bass on Seeley Lake. Two comments were received, both in opposition to the proposal; both commenters expressed skepticism that smallmouth bass are harmful to the current fishery; one comment specifically noted that bass and pike do well together and felt the no daily or possession limit proposal should be restricted to the smallmouth bass; both commenters were supportive of the current largemouth bass fishery, and expressed a desire to see the catch-and-release regulation for largemouth be maintained. Largemouth bass have less of a predatory impact on other fish species in Seeley Lake than do smallmouth bass; they prefer the warm water, occupy shallow areas in lakes and are limited in feeding during colder times of the year; they are a potential predator on the trout and salmon that FWP is attempting to manage for. Smallmouth bass are similar to largemouth in that they are less active during colder times of the year, but they occupy a wider range of habitats than largemouth, such as deeper and cooler water in lakes and are often found in the moving water in rivers, giving them more access to trout and salmon for prey. Largemouth bass have been in the system for many years. Attempts at enhancing largemouth bass, including stocking and restrictive fishing regulations, have been unsuccessful and the fishery is considered to be marginal and used little by anglers. Grouping this species with smallmouth bass in this new regulation is consistent with Montana Statewide Fisheries Management Plan which suggested that future management direction for this water included liberalizing harvest opportunities for largemouth bass.

Action: Commissioner Wolfe moved and Commissioner Stuker seconded that the Commission adopt as final the proposed regulation change for bass on Seeley Lake for the 2014 fishing season. Action on Motion: Motion passed.

25. Canyon Ferry Reservoir and Lake Helena Commercial Fishing Regulations – Proposed

Don Skaar, Fish Management Bureau Chief explained FWP received an application for a 2014 commercial fishing permit to harvest carp via active seining from Canyon Ferry Reservoir and Lake Helena. By statute, the Commission is authorized to approve one commercial fishing operation for each body of water and to establish specific regulations regarding gear, limits, seasons, closures and any other limitations deemed necessary. This application is for a Class B Permit that requires a fee of \$200 plus a \$1,000 Surety Bond. The Commission has approved the commercial fishing regulations for Canyon Ferry and Lake Helena for the past six years. Commercial fishing regulations for Canyon Ferry Reservoir and Lake Helena were originally approved by the Commission in 2005 following public notice and an opportunity for public comment. An EA was prepared at that time to evaluate any potential impacts of commercial fishing on the human environment. The public will again be notified of the potential adoption of regulations for 2014. The regulation will be in effect from February, 2014 through December 31, 2014 for Tracy Fortner.

CANYON FERRY RESERVOIRFISHING SEASON

Commercial fishing is permitted during open water from May 1 to December 31 in portions of Canyon Ferry Reservoir south of White Earth.

Commercial fishing is permitted during open water from September 15 through December 31 in portions of Canyon Ferry Reservoir north of White Earth.

No commercial fishing will be conducted on weekends or Holidays. Only weekday activity will be permitted in order to minimize any conflict with recreational users.

Commercial fishing will be permitted during daylight hours only.

FISHING AREAS

The regulations provide for the harvest of carp only with actively pulled seines operated in specific parts of Canyon Ferry Reservoir with the following restrictions:

No setting and anchoring of seines will occur north of White Earth prior to September 15 to avoid conflicts with recreationists and anglers. Exceptions may be made following consultation with the reservoir Fish Biologist. Approval of any exceptions will be in effect only after the receipt of an email or written confirmation from the reservoir Fish Biologist.

Commercial fishing at the south end of the lake (south of White Earth) will not be permitted prior to May 1 to avoid conflicts with walleye and rainbow spawning.

Commercial fishing in the vicinity of Duck Creek will avoid the WMA and concentrations of recreational anglers near the dikes by maintaining a buffer of at least 1 mile north of Dike 1. This point will be clearly marked on the shoreline.

Commercial fishing will avoid all public boat launch facilities and other popular bays for fishing and boating.

OTHER RESTRICTIONS

Fishing activity should be conducted in a manner that minimizes disturbance of waterfowl and avoids western grebes and other diving fish-eating birds. Incidental catch of birds must be reported in your monthly reports to FWP.

Permittee must file a monthly operations schedule with the Department prior to any fishing for the month.

A Department representative will be allowed to accompany the fisherman at any time to observe or to collect biological data.

A summary of fishing activities and catch are to be submitted on forms provided by the Department. The report should indicate the dates and

locations of fishing efforts along with daily catch statistics (number and pounds caught). A separate report shall be submitted for each water fished.

Landing and loading of boats, gear (nets, pens, cages) and fish will only be done at sites determined and permitted by the U.S. Bureau of Reclamation.

All fish captured other than carp must be returned alive to the water immediately. The permittee must document and account for in reports: all fish species caught and/or handled daily, including final disposition (caught, released, released alive, released dead, etc.)

Any non-carp fish mortalities need to be cut in half (down through the center of the back and belly), including the air bladder, then the carcass halves deposited in deep water to sink to the bottom out of public's sight. This is consistent with ARM (Administrative Rules of Montana) 12.7.105 that requires that all non-target dead fish from commercial fishing operations be cut and sunk.

Only common carp (*Cyprinus carpio*) may be removed from the reservoir, and packed for shipment only on ice or dry, but not in water, no live hauling.

Under 87-4-609 MCA FWP has the authority to give and condition permits for the commercial taking of aquatic fish food species. If the conditions, restrictions or terms of the permit are violated or, if over-harvest or conflict with recreational use of the waters occurs, FWP may require the suspension of operations or revoke the permit.

While game fish by-catch is anticipated to be low, permittee will be required to stop fishing with 48 hours notice if stress to and/or mortality of non-carp species is excessive. Daily catches which exceed 5% game fish or 10% non-game fish other than carp will constitute grounds for suspension of operations, as will a cumulative mortality of more than 100 game fish, (yellow perch, burbot, walleye, trout, whitefish, northern pike, or bass), or 200 non-game fish other than carp. Percentages will be calculated based on numbers of fish netted.

ARM 12.7.101 requires a permittee who receives approval post a \$1000 corporate surety bond in favor of the State of Montana and conditioned on the faithful carrying out of the provisions of the application and permit.

All processing waste must be disposed of in an approved landfill in accordance with appropriate Montana statutes and codes. No waste may be dumped in or near Canyon Ferry Reservoir.

Only 1 commercial operator is allowed on each waterbody unless additional harvest would be beneficial (ARM 12.7.102). Additional permits may be considered for 2014 on this waterbody if progress toward harvesting the desired number of carp through this permit is not met.

LAKE HELENA

FISHING AREAS AND SEASON: The regulations provide for the harvest of carp with seines operated in specific parts of Lake Helena with the following restrictions:

The lake is open to fishing January 1- October 31 and the following restrictions apply:

During the period January 1 - June 30:

The setting and anchoring of seines along the west shore (Township 11 North, Range 3 West, Sections 22, 26 and 27) must be restricted to specific sites as indicated on the attached map. Fishermen are not allowed to go ashore at site 2 (immediately north of the nesting structures) or at site 3 (gravel bar at the mouth of Ten Mile Creek).

Seines, boats or other equipment must not be beached, anchored or otherwise be imposed on the west shore except at the indicated sites on the attached map.

No commercial fishing will be conducted on weekends or Holidays. Only weekday activity will be permitted in order to minimize any conflict with recreational users.

Commercial fishing will be permitted during daylight hours only.

OTHER RESTRICTIONS

Fishing activity should be conducted in a manner that minimizes disturbance of waterfowl and avoids western grebes. Incidental catch of birds must be reported monthly to FWP.

Permittee must file a monthly operations schedule with the Department prior to any fishing for the month.

A Department representative will be allowed to accompany the fisherman at any time to observe or to collect biological data or to evaluate disturbance to wildlife (i.e. waterfowl and shore birds).

A summary of fishing activities and catch are to be submitted on forms provided by the Department. The report should indicate the dates and locations of fishing efforts along with daily catch statistics (number and pounds caught). A separate report shall be submitted for each water fished.

Landing and loading of boats, gear (nets, pens, cages) and fish will only be done at sites determined and authorized by private landowners or allowed by State statutes.

All fish captured other than carp must be returned alive to the water immediately. The permittee must document and account for in reports: all fish species caught and/or handled daily, including final disposition (caught, released, released alive, released dead, etc.).

Any non-carp fish mortalities need to be cut in half (down through the center of the back and belly), including the air bladder, then the carcass halves deposited in the water to sink to the bottom out of public sight. This is consistent with ARM 12.7.105 that requires that all non-target dead fish from commercial fishing operations be cut and sunk.

Only common carp (*Cyprinus carpio*) may be removed from Lake Helena. All carp must be packed for shipment only on ice or dry, but not in water, no live hauling is allowed.

Under 87-4-609 MCA, FWP has the authority to give and condition permits for the commercial taking of aquatic fish food species. If the conditions, restrictions or terms of the permit are violated or, if over-harvest or conflict with recreational use of the waters occurs, FWP may require the suspension of operations or revoke the permit.

While game fish by-catch is anticipated to be low, permittee will be required to stop fishing with 48 hours notice if stress to and/or mortality of non-carp species is excessive. Daily catches which exceed 5% game fish or 10% non-game fish other than carp will constitute grounds for suspension of operations, as will a cumulative mortality of more than 100 game fish (yellow perch, burbot, walleye, trout, kokanee salmon or whitefish). Percentages will be calculated based on numbers of fish netted.

ARM 12.7.101 requires a permittee who receives approval to post a \$1000 corporate surety bond in favor of the State of Montana and conditioned on the faithful carrying out of the provisions of the application and permit.

All processing waste must be disposed of in an approved landfill in accordance with appropriate Montana statutes and codes. No waste may be dumped in or near Lake Helena.

Only 1 commercial operator is allowed on each waterbody unless additional harvest would be beneficial (ARM 12.7.102). Additional permits may be considered for 2014 on this waterbody if progress toward harvesting the desired number of carp through this permit is not met.

Action: Commissioner Wetsit moved and Commissioner Wolfe seconded that the Commission adopt the proposed regulations for a commercial fishing operation on Canyon Ferry Reservoir and Lake Helena for 2014.

Chairman Vermillion asked for public comment.

Jerry Davis, Helena, about the use of trammel nets on Canyon Ferry.

Skaar is not aware of that technology, can look into it; Fortner uses single mesh netting on the seines and releases all by-catch.

Action on Motion: Motion passed.

26. Commercial Use Fee Rule – Proposed

Charlie Sperry, Fisheries Bureau explained there are currently two sets of rules that apply to commercial use occurring on FWP land. The commercial use administrative rules establish the policy and permit requirements for conducting commercial use; the fee rule establishes the permit fees. The biennial fee rule was last amended on November 8, 2011. FWP is recommending a fee rule that would apply to lands under the jurisdiction of the Commission. In October, the recently formed Montana State Parks and Recreation Board proposed a new commercial use fee rule that would apply to state parks. Through a collaborative effort involving the fisheries, wildlife and parks divisions, FWP is evaluating the commercial use administrative rules and intends to make recommendations to the Commission and the board in 2014. The current fee rule includes a range of fee options for different types of commercial use. FWP is authorized to select a fee amount from the choices provided in the fee rule. FWP is recommending that the Commission simplify the fee system by reducing the number of fee options for some types of commercial use. Upon approval of the proposed rule by the Commission, FWP will announce and conduct a public comment period. This will be advertised through statewide and regional press releases. The following fees apply to commercial use, as defined in ARM 12.14.101, that occurs on lands under the control, administration, and jurisdiction of the Commission. The commercial use fee rule includes a menu of fee systems from which the Department may select one system for a particular site or sites. The menu of options enables the Department to cooperate with other state and federal agencies and to evaluate the types of commercial use present and select the most appropriate fee system based on ease of administration and input from the commercial users.

Primary Type of Use:	Commercial Use Permit Fee:
Outfitter	<p>FAS Permit: \$100/year or \$15/day</p> <p>Commercial Use Permit Fee:</p> <p>A) 3% of unadjusted income;</p> <p>B) \$5 per client day conducted; or</p> <p>C) \$4 per allocated client day.</p> <p>Minimum annual fee: \$50 - \$100</p>
Water-based Service Provider	FAS Permit: \$100/year or \$15/day

	<p>Commercial Use Permit Fee:</p> <p>A) 3% of unadjusted income;</p> <p>B) \$2 per client day conducted; or</p> <p>C) \$1 per allocated client day.</p> <p>Minimum annual fee: \$50 - \$100</p>
Guide	FAS Permit: \$100/year or \$15/day
Watercraft livery, rental, or demonstration	\$100 /year.
Guided Tour or Trip	<p>A) 3% of unadjusted income; or</p> <p>B) \$3 - \$5 per client day.</p>
Special Events	\$3 per event participant.
Vending-Concessions	<p>A) 3% - 7% 5% of unadjusted income; or</p> <p>B) \$50 - \$75 per day; or</p> <p>C) \$100 per year.</p>
Still Photography and Filming	<p>2 to 5 person crew: \$50 per day;</p> <p>6 to 15 person crew: \$100 per day;</p> <p>More than 15: negotiated fee.</p> <p>1 to 3 person crew: \$25 per day or \$50 per year;</p> <p>4 to 7 person crew: \$50 per day;</p> <p>8 to 20 person crew: \$100 per day;</p> <p>21 to 35 person crew: \$200 per day;</p> <p>36 to 50 person crew: \$300 per day;</p> <p>51 or more person crew: \$400 per day.</p>
Non-service Use and Consumptive Commercial Use	\$300 \$50 - \$1000 per day.
Late Fee	\$50 <u>\$100</u>

Action: *Commissioner Stuker moved and Commissioner Wolfe seconded that the Commission adopt the proposed commercial use fee rule establishing fees for conducting commercial use on FWP land under the authority of the Fish & Wildlife Commission.*

Commissioner Wetsit asked when a state park is adjacent to a waterway, at what point does FWP land begin and end.

Becky Dockter, Chief Legal Council gave a lengthy discussion on the Commission's authority; stated the Commission and the Montana State Parks and Recreation Board will meet in April to discuss overlapping issues.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed.

27. Public Comment ~~ For Issues Not On This Agenda

Brian McCullough stated the Commission needs to look at several aspects of FWP management.

Commissioner Wolfe asked about opportunities regarding the season setting process.

Chairman Vermillion suggested the Commissioners attend the tentative meetings within their Region and talk to staff about changes.

McDonald stated there are 43 public meetings scheduled across the state; will compile all comments and suggestions and make changes as necessary; recommends visiting with the regional supervisor at any time.

Chairman Stuker motioned and Commissioner Wolfe seconded to adjourn the meeting. Motion Carried.

The meeting adjourned at 3:44 p.m.

Dan Vermillion, Chairman

M. Jeff Hagener, Director